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NINTH REPORT

From the SELECT COMMITTEE (of the House of Commons) appointed to take into consideration the state of the Administration of Justice in the provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House; with their observations thereupon; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest security and advantage to this Country; and by what means the happiness of the Native Inhabitants may be best promoted.—(25th June 1783.)

I.—OBSERVATIONS ON THE STATE OF THE COMPANY'S AFFAIRS IN INDIA.

IN order to enable the House to adopt the most proper means for regulating the British Government in India, and for promoting the happiness of the Natives, who live under its authority or influence, Your Committee hold it expedient to collect, into distinct points of view, the circumstances, by which that government appears to them to be most essen-

tially disordered; and to explain fully the principles of policy, and the course of conduct, by which the Natives of all ranks and orders have been reduced to their present state of depression and misery.

Your Committee have endeavoured to perform this task in plain and popular language, knowing that nothing has alienated the House from inquiries, absolutely necessary for the performance of one of the most essential of all its duties, so much as the technical language of the Company's Records; as the Indian names of persons, of offices, of the tenure and qualities of estates, and of all the varied branches of their intricate revenue. This language is, indeed, of necessary use in the executive departments of the Company's affairs; but it is not necessary to Parliament. A language, so foreign from all the ideas and habits of the far greater part of the members of this House, has a tendency to disgust them with all sorts of inquiry concerning this subject. They are fatigued into such a despair of ever obtaining a competent knowledge of the transactions in India, that they are easily persuaded to remand them back to that obscurity, mystery, and intrigue, out of which they have been forced upon publick notice by the calamities arising from their extreme mismanagement. This mismanagement has itself (as Your Committee conceive) in a great measure arisen from dark cabals, and secret suggestions to persons in power, without a regular

publick

publick inquiry into the good or evil tendency of any measure, or into the merit or demerit of any person intrusted with the Company's concerns.

Present Laws relating to the East India Company, and its internal and external Policy.

The plan adopted by Your Committee is, first, to consider the law regulating the East-India Company, as it now stands; and secondly, to inquire into the circumstances of the two great links of connexion by which the territorial possessions in India are united to this kingdom; namely, the Company's Commerce; and the government exercised under the Charter, and under Acts of Parliament. The last of these objects, the Commerce, is taken in two points of view, the *external*, or the direct trade between India and Europe; and the *internal*, that is to say, the trade of Bengal, in all the articles of produce and manufacture, which furnish the Company's Investment.

The government is considered by Your Committee under the like descriptions of Internal and External. The Internal regards the communication between the Court of Directors and their Servants in India; the management of the revenue; the expenditure of publick money; the civil administration; the administration of Justice; and the state of the Army.—The External regards, first, the conduct and maxims of the Company's government with respect to the native Princes and People dependent on the British authority: and next, the proceedings with regard to those Native Powers, which are

wholly independent of the Company. But Your Committee's observations on the last division extend to those matters only, which are not comprehended in the Report of the Committee of Secrecy. Under these heads, Your Committee refer to the most leading particulars of abuse, which prevail in the administration of India; deviating only from this order, where the abuses are of a complicated nature, and where one cannot be well considered independently of several others.

Second attempt made by Parliament for a reformation.

Your Committee observe, that this is the second attempt made by Parliament for the reformation of abuses in the Company's government. It appears therefore to them a necessary preliminary to this second *Undertaking, to consider the causes, which, in their opinion,* have produced the failure of the first; that the defects of the original plan may be supplied; its errours corrected; and such useful regulations, as were then adopted, may be further explained, enlarged, and enforced.

Proceedings of Session 1773.

The first design of this kind was formed in the Session of the year 1773. In that year, Parliament, taking up the consideration of the affairs of India, through two of its Committees, collected a very great body of details concerning the interiour economy of the Company's possessions; and concerning many particulars of abuse, which prevailed at the time when those Committees made their ample and instructive Reports. But it does not

appear

appear that the body of regulations enacted in that year, that is, in the East-India Act of the thirteenth of His Majesty's Reign, were altogether grounded on that information; but were adopted rather on probable speculations, and general ideas of good policy, and good government. New establishments, civil and judicial, were therefore formed at a very great expense, and with much complexity of constitution. Checks and counter-checks of all kinds were contrived in the execution, as well as in the formation, of this system, in which all the existing authorities of this kingdom had a share: for Parliament appointed the members of the presiding part of the new establishment; the Crown appointed the judicial, and the Company preserved the nomination of the other officers. So that if the Act has not fully answered its purposes, the failure cannot be attributed to any want of officers of every description, or to the deficiency of any mode of patronage in their appointment. The cause must be sought elsewhere.

Powers and objects of Act of 1773, and the effects thereof.

The Act had in its view (independently of several detached regulations) five fundamental objects:

1st. The Reformation of the Court of Proprietors of the East-India Company;

2dly. A new model of the Court of Directors, and an enforcement of their authority over the servants abroad:

3dly. The Establishment of a Court of Justice capable of protecting the Natives from the oppressions of British subjects:

4thly. The Eſtablishment of a General Council to be seated in Bengal, whose authority should, in many particulars, extend over all the British settlements in India:

5thly. To furnish the Ministers of the Crown with constant information concerning the whole of the Company's correspondence with India, in order that they might be enabled to inspect the conduct of the Directors, and servants, and to watch over the execution of all parts of the Act; that they might be furnished with matter to lay before Parliament from time to time, according as the state of things should render regulation or animadversion necessary.

Court of Proprietors.

The first object of the policy of this Act was to improve the constitution of the Court of Proprietors. In this case, as in almost all the rest, the remedy was not applied directly to the disease. The complaint was, that factions in the Court of Proprietors had shown, in several instances, a disposition to support the servants of the Company against the just coercion and legal prosecution of the Directors. Instead of applying a corrective to the distemper, a change was proposed in the constitution. By this reform, it was presumed, that an interest would arise in the General Court,

more

more independent in itself, and more connected with the commercial prosperity of the Company. Under the new constitution, no Proprietor, not possessed of a thousand pounds capital stock, was permitted to vote in the General Court: before the Act, five hundred pounds was a sufficient qualification for one vote; and no value gave more. But as the lower classes were disabled, the power was increased in the higher: Proprietors of three thousand pounds were allowed two votes; those of six thousand were entitled to three; ten thousand pounds was made the qualification for four. The votes were thus regulated in the scale and gradation of property. On this scale, and on some provisions to prevent occasional qualifications, and splitting of votes, the whole reformation rested.

New Qualification.

Several essential points, however, seem to have been omitted or misunderstood. No regulation was made to abolish the pernicious custom of voting by *Ballot*; by means of which, acts of the highest concern to the Company, and to the State, might be done by individuals with perfect impunity: and even the body itself might be subjected to a forfeiture of all its privileges for defaults of persons, who, so far from being under control, could not be so much as known in any mode of legal cognizance. Nothing was done, or attempted, to prevent the operation of the interest of delinquent servants of the Company, in the General Court,

The Ballot.

Indian Interest.

by which they might even come to be their own judges; and in effect, under another description, to become the masters in that body, which ought to govern them. Nor was any thing provided to secure the independency of the proprietory body from the various exteriour interests, by which it might be disturbed, and diverted from the conservation of that pecuniary concern, which the Act laid down as the sole security for preventing a collusion between the General Court and the powerful delinquent servants in India. The whole of the regulations concerning the Court of Proprietors relied upon two principles, which have often proved fallacious; namely, that small numbers were a security against faction and disorder; and, that integrity of conduct would follow the greater property. In no case could these principles be less depended upon than in the affairs of the East-India Company. However, by wholly cutting off the lower, and adding to the power of the higher, classes, it was supposed that the higher would keep their money in that fund to make profit; that the vote would be a secondary consideration, and no more than a guard to the property; and that therefore any abuse, which tended to depreciate the value of their stock, would be warmly resented by such Proprietors.

If the ill effects of every misdemeanor in the Company's servants were to be *immediate*, and had a tendency

a tendency to lower the value of the stock, something might justly be expected from the pecuniary security taken by the Act. But from the then state of things, it was more than probable, that proceedings, ruinous to the permanent interest of the Company, might commence in great lucrative advantages. Against this evil large pecuniary interests were rather the reverse of a remedy. Accordingly, the Company's servants have ever since covered over the worst oppressions of the people under their government, and the most cruel and wanton ravages of all the neighbouring countries, by holding out, and for a time actually realizing, additions of revenue to the territorial funds of the Company, and great quantities of valuable goods to their investment.

Proprietors.

But this consideration of mere income (whatever weight it might have) could not be the first object of a Proprietor, in a body so circumstanced. The East-India Company is not, like the Bank of England, a mere monied society for the sole purpose of the preservation or improvement of their capital; and, therefore, every attempt to regulate it upon the same principles must inevitably fail. When it is considered that a certain share in the stock gives a share in the government of so vast an Empire, with such a boundless patronage, civil, military, marine, commercial, and financial, in every department of which such fortunes have been made,

as could be made no where else, it is impossible not to perceive that capitals, far superiour to any qualifications appointed to Proprietors, or even to Directors, would readily be laid out for a participation in that power. The Indian Proprietor, therefore, will always be, in the first instance, a politician: and the bolder his enterprise, and the more corrupt his views, the less will be his consideration of the price to be paid for compassing them. The new regulations did not reduce the number so low as not to leave the assembly still liable to all the disorder, which might be supposed to arise from multitude. But, if the principle had been well established, and well executed, a much greater inconveniency grew out of the reform, than that, which had attended the old abuse; for if tumult and disorder be lessened by reducing the number of Proprietors, private cabal and intrigue are facilitated; at least, in an equal degree; and it is cabal and corruption, rather than disorder and confusion, that were most to be dreaded in transacting the affairs of India. Whilst the votes of the smaller Proprietors continued, a door was left open for the publick sense to enter into that society: since that door has been closed, the proprietory has become (even more than formerly) an aggregate of private interests, which subsist at the expense of the collective body. At the moment of this revolution in the proprietory, as it might naturally be

expected, those, who had either no very particular interest in their vote, or but a petty object to pursue, immediately disqualified; but those, who were deeply interested in the Company's patronage; those, who were concerned in the supply of ships, and of the other innumerable objects required for their immense establishments; those, who were engaged in contracts with the Treasury, Admiralty, and Ordnance, together with the clerks in Publick Offices, found means of securing qualifications at the enlarged standard. All these composed a much greater proportion than formerly they had done of the proprietory body.

Against the great, predominant, radical corruption of the Court of Proprietors, the raising the qualification proved no sort of remedy. The return of the Company's servants into Europe poured in a constant supply of Proprietors, whose ability to purchase the highest qualifications for themselves, their agents and dependents, could not be dubious. And this latter description form a very considerable, and by far the most active and efficient, part of that body. To add to the votes, which is adding to the power, in proportion to the wealth, of men, whose very offences were supposed to consist in acts, which lead to the acquisition of enormous riches, appears by no means a well-considered method of checking rapacity and oppression. In proportion as these interests prevailed, the means

of

of cabal, of concealment, and of corrupt confederacy, became far more easy than before. Accordingly, there was no fault with respect to the Company's government over its servants, charged or chargeable on the General Court as it originally stood, of which, since the reform, it has not been notoriously guilty. It was not, therefore, a matter of surprise to Your Committee, that the General Court, so composed, has at length grown to such a degree of contempt both of its duty and of the permanent interest of the whole Corporation, as to put itself into open defiance of the salutary admonitions of this House, given for the purpose of asserting and enforcing the legal authority of their own body over their own servants.

The failure in this part of the Reform of 1773 is not stated by Your Committee as recommending a return to the ancient constitution of the Company, which was nearly as far as the new from containing any principle tending to the prevention or remedy of abuses; but to point out the probable failure of any future regulations, which do not apply directly to the grievance, but which may be taken up as experiments to ascertain theories of the operations of councils formed of greater or lesser numbers, or such as shall be composed of men of more or less opulence, or of interests of newer or longer standing, or concerning the distribution of power to various descriptions

descriptions or professions of men, or of the election to office by one authority, rather than another.

The second object of the Act was the Court of Directors. Under the arrangement of the year 1773, that Court appeared to have its authority much strengthened. It was made less dependent than formerly upon its constituents the proprietory. The duration of the Directors in office was rendered more permanent, and the tenure itself diversified by a varied and intricate rotation. At the same time their authority was held high over their servants of all descriptions; and the only rule prescribed to the Council General of Bengal, in the exercise of the large and ill-defined powers given to them, was, that they were to yield obedience to the orders of the Court of Directors. As to the Court of Directors itself, it was left with very little regulation. The custom of ballot, infinitely the most mischievous in a body possessed of all the ordinary executive powers, was still left; and Your Committee have found the ill effects of this practice in the course of their inquiries. Nothing was done to oblige the Directors to attend to the promotion of their servants according to their rank and merits. In judging of those merits, nothing was done to bind them to any observation of what appeared on their records. Nothing was done to compel them to prosecution or complaint where delinquency became visible. The Act indeed prescribed, that no servant of the Company

Court of Directors.

Company abroad should be eligible into the Direction until two years after his return to England. But as this regulation rather presumes than provides for an inquiry into their conduct, a very ordinary neglect in the Court of Directors might easily defeat it, and a short remission might in this particular operate as a total indemnity. In fact, however, the servants have of late seldom attempted a seat in the Direction; an attempt, which might possibly rouse a dormant spirit of inquiry; but satisfied with an interest in the proprietory, they have, through that name, brought the Direction very much under their own control.

As to the general authority of the Court of Directors, there is reason to apprehend, that on the whole it was somewhat degraded by the Act, whose professed purpose was to exalt it; and that the only effect of the Parliamentary sanction to their orders has been, that along with those orders the Law of the Land has been despised and trampled under foot. The Directors were not suffered either to nominate or to remove those, whom they were empowered to instruct: from masters they were reduced to the situation of complainants; a situation, the imbecility of which no laws or regulations could wholly alter; and when the Directors were afterwards restored in some degree to their ancient power, on the expiration of the lease given to their principal servants, it became impossible for them to

recover

recover any degree of their ancient respect, even if they had not, in the mean time, been so modelled as to be entirely free from all ambition of that sort.

From that period the orders of the Court of Directors became so habitually despised by their servants abroad, and to be so little regarded even by themselves, that this contempt of orders forms almost the whole subject matter of the voluminous reports of two of Your Committees. If any doubt however remains concerning the cause of this fatal decline of the authority of the Court of Directors, no doubt whatsoever can remain of the fact itself, nor of the total failure of one of the great leading regulations of the Act of 1773.

Supreme Court of Judicature.

The third object was a new Judicial arrangement; the chief purpose of which was to form a strong and solid security for the natives against the wrongs and oppressions of British subjects resident in Bengal. An operose and expensive establishment of a supreme Court was made, and charged upon the revenues of the country. The charter of Justice was by the Act left to the Crown, as well as the appointment of the magistrates. The defect in the institution seemed to be this; that no rule was laid down, either in the Act or the charter, by which the Court was to judge. No descriptions of offenders, or species of delinquency, were properly ascertained according to the nature of the place, or to

the prevalent mode of abuse. Provision was made for the administration of justice in the remotest part of Hindostan, as if it were a province in Great Britain. Your Committee have long had the constitution and conduct of this Court before them; and they have not yet been able to discover very few instances (not one that appears to them of leading importance) of relief given to the natives against the corruptions or oppressions of British subjects in power. Though they do find one very strong and marked instance of the Judges having employed an unwarrantable extension or application of the municipal Law of England, to destroy a person of the highest rank among those natives, whom they were sent to protect. One circumstance rendered the proceeding in this case fatal to all the good purposes, for which the Court had been established. The sufferer (the Rajah Nundcomar) appears, at the very time of this extraordinary prosecution, a discoverer of some particulars of illicit gain then charged upon Mr. Hastings, the Governour General. Although in ordinary cases, and in some lesser instances of grievance, it is very probable that this Court has done its duty, and has been, as every Court must be, of some service; yet one example of this kind must do more towards deterring the natives from complaint, and consequently from the means of redress, than many decisions favourable to them, in the ordinary course of proceeding, can do for their

their encouragement and relief. So far as Your Committee have been able to discover, the Court has been generally terrible to the natives, and has distracted the Government of the Company, without substantially reforming any one of its abuses.

This Court, which in its constitution seems not to have had sufficiently in view the necessities of the people, for whose relief it was intended, and was, or thought itself bound, in some instances, to too strict an adherence to the forms and rules of English practice, in others was framed upon principles, perhaps, too remote from the constitution of English tribunals. By the usual course of English practice, the far greater part of the redress to be obtained against oppressions of power is by process in the nature of civil actions. In these a trial by jury is a necessary part, with regard to the finding the offence, and to the assessment of the damages. Both these were, in the Charter of Justice, left entirely to the Judges. It was presumed, and not wholly without reason, that the British subjects were liable to fall into factions and combinations, in order to support themselves in the abuses of an authority, of which every man might, in his turn, become a sharer. And with regard to the Natives, it was presumed (perhaps a little too hastily), that they were not capable of sharing in the functions of Jurors. But it was not foreseen, that the Judges were also liable to be engaged in

the factions of the Settlement; and if they should ever happen to be so engaged, that the native people were then without that remedy, which obviously lay in the clause that the Court and Jury, though both liable to bias, might not easily unite in the same identical act of injustice. Your Committee, on full inquiry, are of opinion, *that the use of Juries is neither impracticable nor dangerous in Bengal.*

Your Committee refer to their Report, made in the year 1781, for the manner, in which, this Court attempting to extend its jurisdiction, and falling with extreme severity on the native magistrates, a violent contest arose between the English Judges and the English civil authority. This authority calling in the military arm (by a most dangerous example) overpowered, and for a while suspended, the functions of that Court; but at length those functions, which were suspended by the quarrel of the parties, were destroyed by their reconciliation, and by the arrangements made in consequence of it. By these the Court was virtually annihilated; or, if substantially it exists, it is to be apprehended, it exists only for purposes very different from those of its institution.

The fourth object of the Act of 1773 was the Council General. This institution was intended to produce uniformity, consistency, and the effective co-operation of all the Settlements in their common

 defence.

defence. By the ancient constitution of the Company's foreign Settlements they were each of them under the orders of a President, or Chief, and a Council, more or fewer, according to the discretion of the Company; among those, Parliament (probably on account of the largeness of the territorial acquisitions, rather than the conveniency of the situation) chose Bengal for the residence of the controlling Power; and, dissolving the Presidency, appointed a new establishment upon a plan somewhat similar to that, which had prevailed before; but the number was smaller. This establishment was composed of a Governour-General, and four Counsellors, all named in the Act of Parliament. They were to hold their offices for five years; after which term the patronage was to revert to the Court of Directors. In the mean time such vacancies as should happen were to be filled by that Court, with the concurrence of the Crown. The first Governour-General and one of the Counsellors had been old servants to the Company, the others were new men.

On this new arrangement, the Courts of Proprietors and Directors considered the details of commerce as not perfectly consistent with the enlarged sphere of duty, and the reduced number of the Council. Therefore, to relieve them from this burthen, they instituted a new office, called the Board of Trade, for the subordinate management

of their commercial concerns; and appointed eleven of their senior servants to fill the commission.

Object of Powers to Governour-General and Council.

The powers given by the Act to the new Governour-General and Council had for their direct object the kingdom of Bengal and its dependencies. Within that sphere, (and it is not a small one) their authority extended over all the Company's concerns, of whatever description. In matters of peace and war it seems to have been meant, that the other Presidencies should be subordinate to their Board. But the Law is loose and defective where it professes to restrain the subordinate Presidencies from making war without the consent and approbation of the Supreme Council. They are left free to act without it *in cases of imminent necessity*, or, *where they shall have received special orders from the Company*. The first exception leaves it open to the subordinate to judge of the necessity of measures, which, when taken, bind or involve the superiour: the second refers a question of peace or war to two jurisdictions, which may give different judgments. In * both instances cases in point have occurred. With regard to their local administration, their powers were exceedingly and dangerously loose and undetermined. Their powers were not given directly, but in words of reference, in which neither the objects related to, nor the mode of the relation, were sufficiently expressed. Their legislative

* See the Secret Committee's Reports on the Mahratta War.

lative and executive capacities were not so accurately drawn, and marked by such strong and penal lines of distinction, as to keep these capacities separate. Where legislative, and merely executive, powers were lodged in the same hands, the legislative, which is the larger, and the more ready for all occasions, was constantly resorted to. The Governour-General and Council therefore immediately gave constructions to their ill-defined authority, which rendered it perfectly despotick; constructions, which if they were allowed, no action of theirs ought to be regarded as criminal.

Armed as they were with an authority in itself so ample, and by abuse so capable of an unlimited extent, very few, and these very insufficient, correctives were administered. Ample salaries were provided for them, which indeed removed the necessity, but by no means the inducements, to corruption and oppression. Nor was any barrier whatsoever opposed, on the part of the Natives, against their injustice, except the Supreme Court of Judicature, which never could be capable of controlling a Government with such powers, without becoming such a Government itself.

There was, indeed, a prohibition against all concerns in trade to the whole Council, and against all taking of presents by any in authority. A right of prosecution in the King's Bench was also established; but it was a right, the exercise of which

is difficult, and in many, and those the most weighty, cases impracticable. No considerable facilities were given to prosecutions in Parliament; nothing was done to prevent complaint from being far more dangerous to the sufferer than injustice to the oppressor. No overt acts were fixed, upon which corruption should be presumed in transactions, of which secrecy and collusion formed the very basis; no rules of evidence, nor authentick mode of transmission, were settled in conformity to the unalterable circumstances of the country and the people.

Removal of Servants.

One provision, indeed, was made for restraining the servants, in itself very wise and substantial; a delinquent, once dismissed, could not be restored but by the votes of three fourths of the Directors, and three fourths of the Proprietors: this was well aimed. But no method was settled for bringing delinquents to the question of removal; and if they should be brought to it, a door lay wide open for evasion of the Law, and for a return into the Service, in defiance of its plain intention; that is, by resigning, to avoid removal; by which measure this provision of the Act has proved as unoperative as all the rest. By this management, a mere majority may bring in the greater delinquent, whilst the person removed for offences comparatively trivial may remain excluded for ever.

Council General.

The new Council nominated in the Act was composed

composed of two totally discordant elements, which soon distinguished themselves into permanent parties. One of the principal instructions, which the three Members of the Council, sent immediately from England, namely, General Clavering, Colonel Monson, and Mr. Francis, carried out with them, was, to "*cause the strictest inquiry to be made into* "*all oppressions and abuses,*" among which the *practice of receiving presents from the Natives,* at that time generally charged upon men in power, was principally aimed at.

Presents to any considerable value were justly reputed by the Legislature, not as marks of attention and respect, but as bribes or extortions; for which either the beneficial and gratuitous duties of Government were sold, or they were the price paid for acts of partiality; or, finally, they were sums of money extorted from the givers by the terrours of power. Against the system of presents, therefore, the new commission was, in general opinion, particularly pointed. In the commencement of reformation, at a period, when a rapacious conquest had overpowered, and succeeded to a corrupt Government, an Act of Indemnity might have been thought advisable; perhaps, a new account ought to have been opened; all retrospect ought to have been forbidden, at least to certain periods. If this had not been thought advisable, none in the higher departments of a suspected and decried Govern-

ment ought to have been kept in their posts, until an examination had rendered their proceedings clear, or until length of time had obliterated, by an even course of irreproachable conduct, the errours, which so naturally grow out of a new power. But the policy adopted was different: it was to begin with *examples*. The cry against the abuses was strong and vehement throughout the whole nation, and the practice of presents was represented to be as general, as it was mischievous. In such a case, indeed in any case, it seemed not to be a measure the most provident, without a great deal of previous inquiry, to place two persons, who from their situation must be the most exposed to such imputations, in the commission, which was to inquire into their own conduct; much less to place one of them at the head of that commission, and with a casting vote in case of an equality. The persons, who could not be liable to that charge, were, indeed, three to two; but any accidental difference of opinion, the death of any one of them, or his occasional absence or sickness, threw the whole power into the hands of the other two, who were Mr. Hastings, and Mr. Barwell, one the President, and the other high in the Council of that Establishment, on which the reform was to operate. Thus those, who were liable to process as delinquents, were in effect set over the reformers; and that did actually happen, which might be expected

pected to happen, from so preposterous an arrangement; a stop was soon put to all inquiries into the capital abuses.

Nor was the great political end proposed in the formation of a superintending Council over all the Presidencies better answered, than that of an inquiry into corruptions and abuses. The several Presidencies have acted, in a great degree, upon their own separate authority; and as little of unity, concert, or regular system, has appeared in their conduct, as was ever known before this institution. India is, indeed, so vast a country, and the Settlements are so divided, that their intercourse with each other is liable to as many delays and difficulties as the intercourse between distant and separate States. But one evil may possibly have arisen from an attempt to produce an union, which, though undoubtedly to be aimed at, is opposed in some degree by the unalterable nature of their situation, that it has taught the Servants rather to look to a Superiour among themselves, than to their common Superiours. This evil, growing out of the abuse of subordination, can only be corrected by a very strict enforcement of authority over that part of the chain of dependence, which is next to the original Power.

That, which Your Committee considers as the fifth and last of the capital objects of the Act, and as the binding regulation of the whole, is the introduction

Powers given to the Ministers of the Crown.

introduction (then for the first time) of the Ministers of the Crown into the affairs of the Company. The State claiming a concern and share of property in the Company's profits, the Servants of the Crown were presumed the more likely to preserve, with a scrupulous attention, the sources of the great revenues, which they were to administer, and for the rise and fall of which they were to render an account.

The interference of Government was introduced by this Act in two ways; one by a control, in effect by a share, in the appointment to vacancies in the Supreme Council. The Act provided that His Majesty's approbation should be had to the persons named to that duty. Partaking thus in the patronage of the Company, Administration was bound to an attention to the characters and capacities of the persons employed in that high trust.

The other part of their interference was by way of inspection. By this right of inspection every thing in the Company's correspondence from India, which related to the civil or military affairs, and government of the Company, was directed by the Act to be within fourteen days after the receipt laid before the Secretary of State; and every thing, that related to the management of the revenues, was to be laid before the Commissioners of the Treasury. In fact, both descriptions of these

papers have been generally communicated to that Board.

It appears to Your Committee that there were great and material defects in both parts of the plan. With regard to the approbation of persons nominated to the Supreme Council by the Court of Directors, no sufficient means were provided for carrying to His Majesty, along with the nomination, the particulars in the conduct of those, who had been in the service before, which might render them proper objects of approbation or rejection. The India House possesses an Office of Record capable of furnishing, in almost all cases, materials for judging on the behaviour of the Servants in their progress from the lowest to the highest stations; and the whole discipline of the Service, civil and military, must depend upon an examination of these records inseparably attending every application for an appointment to the highest stations. But in the present state of the nomination the Ministers of the Crown are not furnished with the proper means of exercising the power of control intended by the Law, even if they were scrupulously attentive to the use of it. There are modes of proceeding favourable to neglect. Others excite inquiry, and stimulate to vigilance. Defects in the Plan.

Your Committee, therefore, are of opinion, for the future prevention of cabal, and of private and partial representation, whether above or below, that Propositions to remedy them.

that whenever any person, who has been in the Service, shall be recommended to the King's Ministers to fill a vacancy in the Council General, the Secretary of the Court of Directors shall be ordered to make a strict search into the records of the Company; and shall annex to the recommendation the reasons of the Court of Directors for their choice, together with a faithful copy of whatever shall be found (if any thing can be found) relative to his character and conduct; as also an account of his standing in the Company's service; the time of his abode in India; the reasons for his return; and the stations, whether civil or military, in which he has been successively placed.

With this account ought to be transmitted the names of those, who were proposed as candidates for the same office, with the correspondent particulars relative to their conduct and situation: for not only the separate, but the comparative, merit probably would, and certainly ought to have great influence in the approbation or rejection of the party presented to the Ministers of the Crown. These papers should be laid before the Commissioners of the Treasury, and one of the Secretaries of State, and entered in books to be kept in the Treasury and the Secretary's Office.

These precautions, in case of the nomination of any, who have served the Company, appear to be necessary from the improper nomination and approbation

probation of Mr. John Macpherson, notwithstanding the objections, which stood against him on the Company's Records. Macpherson's Appointment. The choice of Mr. John Stables, from an inferiour military to the highest civil capacity, was by no means proper, nor an encouraging example to either Service. Stables's. His conduct, indeed, in the subaltern military situation, had received, and seems to have deserved, commendation; but no sufficient ground was furnished for confounding the lines and gradations of service. This measure was, however, far less exceptionable than the former; because an irregular choice of a less competent person, and the preference given to proved delinquency, in prejudice to uncensured service, are very different things. But even this latter appointment would, in all likelihood, have been avoided, if rules of promotion had been established. If such rules were settled, candidates, qualified from ability, knowledge, and service, would not be discouraged by finding that every thing was open to every man; and that favour alone did not stand in the place of civil or military experience. The elevation from the lowest stations unfaithfully and negligently filled to the highest trusts, the total inattention to rank and seniority, and much more the combination of this neglect of rank with a confusion (unaccompanied with strong and evident reasons) of the lines of service, cannot operate as useful examples on those, who serve the

the Publick in India. These Servants, beholding men, who have been condemned for improper behaviour to the Company in inferiour civil stations, elevated above them, or (what is less blamable, but still mischievous) persons without any distinguished civil talents, taken from the subordinate situations of another line to their prejudice, will despair by any good behaviour of ascending to the dignities of their own; they will be led to improve, to the utmost advantage of their fortune, the lower stages of power, and will endeavour to make up in lucre what they can never hope to acquire in station.

The temporary appointment by Parliament of the Supreme Council of India arose from an opinion, that the Company, at that time at least, was not in a condition, or not disposed to a proper exercise of the privileges, which they held under their charter. It therefore behoved the Directors to be particularly attentive to their choice of Counsellors on the expiration of the period, during which their patronage had been suspended. The duties of the Supreme Council had been reputed of so arduous a nature as to require legislative interposition. They were called upon, by all possible care and impartiality, to justify Parliament at least as fully in the restoration of their privileges, as the circumstances of the time had done in their suspension.

But interests have lately prevailed in the Court

of

of Directors, which, by the violation of every rule, seemed to be resolved on the destruction of those privileges, of which they were the natural guardians. Every new power given has been made the source of a new abuse; and the Acts of Parliament themselves, which provide but imperfectly for the prevention of the mischief, have, it is to be feared, made provisions (contrary without doubt to the intention of the Legislature), which operate against the possibility of any cure in the ordinary course.

In the original institution of the Supreme Council, reasons may have existed against rendering the tenure of the Counsellors in their office precarious. A plan of reform might have required the permanence of the persons, who were just appointed by Parliament to execute it; but the Act of one thousand seven hundred and eighty gave a duration, co-existent with the Statute itself, to a Council not appointed by Act of Parliament, nor chosen for any temporary or special purpose: by which means the Servants in the highest situation, let their conduct be never so grossly criminal, cannot be removed, unless the Court of Directors and Ministers of the Crown can be found to concur in the same opinion of it. The prevalence of the Indian factions in the Court of Directors and Court of Proprietors, and sometimes in the State itself, renders this agreement extremely difficult: if the principal Members of the Direction should be in a conspiracy with any principal

cipal Servant under censure, it will be impracticable; because the first act must originate there. The reduced state of the authority of this kingdom in Bengal may be traced in a great measure to that very natural source of independence. In many cases, the instant removal of an offender from his power of doing mischief is the only mode of preventing the utter and, perhaps, irretrievable ruin of publick affairs. In such a case, the process ought to be simple, and the power absolute in one, or in either hand separately. By contriving the balance of interests formed in the Act, notorious offence, gross errour, or palpable insufficiency, have many chances of retaining and abusing authority, whilst the variety of representations, hearings, and conferences, and possibly the mere jealousy and competition between rival powers, may prevent any decision; and at length give time and means for settlements and compromises among parties, made at the expense of justice and true policy. But this Act of one thousand seven hundred and eighty, not properly distinguishing judicial process from executive arrangements, requires in effect nearly the same degree of solemnity, delay and detail for removing a political inconvenience, which attends a criminal proceeding for the punishment of offences. It goes further, and gives the same tenure to all, who shall succeed to vacancies, which was given to those, whom the Act found in office.

Another

Another regulation was made in the Act, which has a tendency to render the control of delinquency, or the removal of incapacity, in the Council General, extremely difficult, as well as to introduce many other abuses into the original appointment of Counsellors. The inconveniences of a vacancy in that important office, at a great distance from the authority, that is to fill it, were visible; but your Committee have doubts, whether they balance the mischief, which may arise from the power given in this Act, of a provisional appointment to vacancies, not on the event, but on foresight. This mode of providing for the succession has a tendency to promote cabal, and to prevent inquiry into the qualifications of the persons to be appointed. An attempt has been actually made in consequence of this power, in a very marked manner, to confound the whole order and discipline of the Company's Service. Means are furnished thereby for perpetuating the powers of some given Court of Directors. They may forestal the patronage of their successors; on whom they entail a line of Supreme Counsellors and Governours General. And if the exercise of this power should happen in its outset to fall into bad hands, the ordinary chances for mending an ill choice upon death or resignation are cut off.

Provisional Appointment for Vacancies.

In these provisional arrangements it is to be considered that the appointment is not in conse-

quence of any marked event, which calls strongly on the attention of the publick, but is made at the discretion of those, who lead in the Court of Directors; and they may therefore be brought forward at times the most favourable to the views of partiality and corruption. Candidates have not therefore the notice, that may be necessary for their claims; and as the possession of the office, to which the survivers are to succeed, seems remote, all inquiry into the qualifications and character of those, who are to fill it, will naturally be dull and languid.

Your Committee are not also without a grounded apprehension of the ill effect on any existing Council General of all strong marks of influence and favour, which appear in the subordinates of Bengal. This previous designation to a great and arduous trust, (the greatest, that can be reposed in Subjects) when made out of any regular course of succession, marks that degree of countenance and support at home, which may overshadow the existing Government. That Government may thereby be disturbed by factions, and led to corrupt and dangerous compliances. At best, when these Counsellors elect are engaged in no fixed employment, and have no lawful intermediate emolument, the natural impatience for their situations may bring on a traffick for resignations between them and the persons in possession very unfavourable to the interests of the Publick, and to the duty of their situations.

Since the Act, two persons have been nominated to the Ministers of the Crown by the Court of Directors for this succession. Neither has yet been approved. But by the description of the persons a judgment may be formed of the principles, on which this power is likely to be exercised.

Stuart and Sulivan's Appointment to succeed to Vacancies.

Your Committee find, that in consequence of the above-mentioned Act the Honourable Charles Stuart and Mr. Sulivan were appointed to succeed to the first vacancies in the Supreme Council. Mr. Stuart's first appointment in the Company's Service was in the year one thousand seven hundred and sixty-one. He returned to England in 1775, and was permitted to go back to India in 1780. In August 1781 he was nominated by the Court of Directors (Mr. Sulivan and Sir William James were Chairman and Deputy Chairman) to succeed to the first vacancy in the Supreme Council, and on the 19th of September following His Majesty's approval of such nomination was requested.

Mr. Stuart's Situation at the time of his Appointment.

In the nomination of Mr. Stuart, the consideration of rank in the Service was not neglected; but if the Court of Directors had thought fit to examine their records, they would have found matter at least strongly urging them to a suspension of this appointment, until the charges against Mr. Stuart should be fully cleared up. That matter remained (as it still remains) unexplained from the month of May 1775, where, on the Bengal Revenue Consul-

tations of the 12th of that month, peculations to a large amount are charged upon oath against Mr. Stuart under the following title; "*The Particulars* "*of the Money unjustly taken by Mr. Stuart, during* "*the time he was at Burdwan.*" The sum charged against him in this Account is 2,17,684 Sicca Rupees (that is 25,253 Pounds sterling:) besides which there is another Account with the following title: "*The Particulars of the Money unjustly taken* "*by Cally-persaud Bose, Banyan to the Honourable* "*Charles Stuart, Esquire, at Burdwan, and amount-* "*ing to Sicca Rupees* 1,01,675," (that is £. 11,785) —a large sum to be received by a person in that subordinate situation.

The minuteness, with which these Accounts appear to have been kept, and the precision, with which the date of each particular, sometimes of very small sums, is stated, give them the appearance of authenticity, as far as it can be conveyed on the face or in the construction of such Accounts; and if they were forgeries, laid them open to an easy detection. But no detection is easy, when no inquiry is made. It appears an offence of the highest order in the Directors concerned in this business, when, not satisfied with leaving such charges so long unexamined, they should venture to present to the King's Servants the object of them for the highest trust, which they have to bestow. If Mr. Stuart was really guilty, the possession of this post must

furnish him not only with the means of renewing the former evil practices charged upon him, and of executing them upon a still larger scale, but of oppressing those unhappy persons, who, under the supposed protection of the faith of the Company, had appeared to give evidence concerning his former misdemeanors.

This attempt in the Directors was the more surprising, when it is considered, that two Committees of this House were at that very time sitting upon an inquiry, that related directly to their conduct, and that of their Servants in India.

Mr. Sulivan's Situation at the time of his Appointment.

It was in the same spirit of defiance of Parliament, that at the same time they nominated Mr. Sulivan, son to the then Chairman of the Court of Directors, to the succession to the same high trust in India. On these appointments, Your Committee thought it proper to make those inquiries, which the Court of Directors thought proper to omit. They first conceived it fitting to inquire what rank Mr. Sulivan bore in the Service; and they thought it not unnecessary here to state the gradations in the Service, according to the established usage of the Company.

The Company's civil Servants generally go to India as *Writers*; in which capacity they serve the Company *five years*. The next step, in point of rank, is to be a *Factor*, and next to that, a *Junior Merchant*; in each of which capacities they serve

the Company *three years*. They then rise to the rank of *Senior Merchant*, in which situation they remain till called by rotation to the Board of Trade. Until the passing of the Regulation Act in 1773 seniority entitled them to succeed to the *Council*, and finally gave them pretensions to the *Government of the Presidency*.

The above gradation of the Service, Your Committee conceive, ought never to be superseded by the Court of Directors, without evident reason, in persons or circumstances, to justify the breach of an ancient Order. The names, whether taken from civil or commercial gradation, are of no moment. The Order itself is wisely established, and tends to provide a natural guard against partiality, precipitancy, and corruption in patronage. It affords means and opportunities for an examination into character; and among the Servants it secures a strong motive to preserve a fair reputation. Your Committee find, that no respect whatsoever was paid to this gradation in the instance of Mr. Sulivan, nor is there any reason assigned for departing from it. They do not find, that Mr. Sulivan had ever served the Company in any one of the above capacities, but was, in the year 1777, abruptly brought into the Service, and sent to Madras to succeed as Persian Translator and Secretary to the Council.

Your Committee have found a letter from Mr. Sulivan to George Wombwell and William Devaynes, Esquires,

Esquires, Chairman and Deputy Chairman of the Court of Directors, stating, that he trusted *his applications* would have a place in their deliberations when Madras affairs were taken up.—Of what nature those applications were, Your Committee cannot discover, as no traces of them appear on the Company's records; nor whether any proofs of his ability, even as Persian Translator exist which might entitle him to a preference to the many Servants in India, whose study and opportunities afforded them the means of becoming perfect masters of that language.

On the above letter Your Committee find, that the Committee of Correspondence proceeded; and on their recommendation the Court of Directors unanimously approved of Mr. Sulivan to be appointed to succeed to the posts of Secretary and Persian Translator.

Conformably to the Orders of the Court, Mr. Sulivan succeeded to those posts; and the President and Council acquainted the Court of Directors that they had been obeyed. About five months after, it appears that Mr. Sulivan thought fit to resign the office of Persian Translator, to which he had been appointed by the Directors. In April 1780, Mr. Sulivan is commended for his *great diligence as Secretary*; in August following he obtains leave to accompany Mrs. Sulivan to Bengal, whence she is to proceed to Europe on account

account of her health; and he is charged with a commission from the President and Council of Fort Saint-George, to obtain for that settlement supplies of grain, troops, and money, from the Governour-General and Council of Bengal. In October the Governour-General requests permission of the Council there to employ Mr. Sulivan as his *Assistant*, for that he had experienced [between his arrival in Bengal and that time] the abilities of Mr. Sulivan, and made choice of him as *completely qualified for that trust:* also requests the Board to appoint him Judge Advocate-General; and likewise to apply to the Presidency of Madras, for him to remain in Bengal without prejudice to his rank on their establishment: which several requests the Board at Madras readily complied with, notwithstanding their natural sensibility to the loss of a Secretary of such ability and diligence as they had described Mr. Sulivan to be.

On the 5th of December following the President and Council received a letter from Bengal, requesting that Mr. Sulivan might be allowed to keep his rank. This request brought on some discussion; A. Mr. Freeman, it seems, who had acted under Mr. Sulivan as Sub-Secretary, whilst his Principal obtained so much praise for his diligence, addressed the Board on the same day, and observed, "that since Mr. Sulivan's arrival, *he*, "[Mr. Freeman] had, *without intermission*, done "almost

" almost the *whole* of the duty allotted to the post " of Secretary, *which it was notorious Mr. Sulivan* " *had paid but little attention to;* and neither his " inclination nor duty led him to act any longer as " Mr. Sulivan's deputy."

Here Your Committee cannot avoid remarking the direct contradiction, which this address of Mr. Freeman's gives to the letter from the President and Council to the Court of Directors in April 1780, wherein Mr. Sulivan is praised for his " di- " ligence and attention in his office of Secretary."

The President and Council do not show any displeasure at Mr. Freeman's representation (so contrary to their own), the truth of which they thus tacitly admit, but agree to write to the Governour-General and Council, " that it could not be sup- " posed that they could carry on the publick " business for any length of time without the *ser-* " *vices of a Secretary*, and Clerk of Appeals, two " offices, that required personal attendance, and " which would be a general injury to the Servants " on their Establishment, and in particular to the " person, who acted in those capacities, as they " learnt that Mr. Sulivan had been appointed " Judge Advocate-General in Bengal; and to re- " quest the Governour-General and Council to " inform Mr. Sulivan of their sentiments, and to " desire him to inform them, whether he meant to " return to his station, or to remain in Bengal."

On

On the 5th December, as a mark of their approbation of Mr. Freeman, who had so plainly contradicted their opinion of Mr. Sulivan, the President and Council agree to appoint him to act as Secretary and Clerk of Appeals, till Mr. Sulivan's answer should arrive, with the emoluments, and to confirm him therein, if Mr. Sulivan should remain in Bengal.

On the 14th February 1781, the President and Council received a letter from Bengal in reply, and stating their request that Mr. Sulivan might reserve the right of returning to his original situation on the Madras Establishment, if the Court of Directors should disapprove of his being transferred to Bengal. To this request the Board at Madras declare they have no objection; and here the matter rests; the Court of Directors not having given any tokens of approbation or disapprobation of the transaction.

Such is the history of Mr. Sulivan's service from the time of his appointment; such were the qualifications, and such the proofs of assiduity and diligence given by him in holding so many incompatible offices (as well as being engaged in other dealings, which will appear in their place) when, after three years desultory residence in India, he was thought worthy to be nominated to the succession to the Supreme Council. No proof whatsoever of distinguished capacity in any line preceded

his

his original appointment to the service; so that the whole of his fitness for the Supreme Council rested upon his conduct and character since his appointment as Persian Translator.

Your Committee find that His Majesty has not yet given his approbation to the nomination, made by the Court of Directors on the 30th of August 1781, of Messrs. Stuart and Sulivan to succeed to the Supreme Council on the first vacancies, though the Court applied for the Royal approbation so long ago as the 19th of September 1781; and in these instances the King's Ministers performed their duty, in withholding their countenance from a proceeding so exceptionable, and of so dangerous an example.

Your Committee, from a full view of the situation and duties of the Court of Directors, are of opinion, that effectual means ought to be taken for regulating that Court in such a manner as to prevent either rivalship with, or subserviency to, their Servants. It might therefore be proper for the House to consider, whether it is fit, that those, who are, or have been within some given time, Directors of the Company, should be capable of an appointment to any offices in India. Directors can never properly govern those, for whose employments they are or may be themselves candidates; they can neither protect nor coerce them with due impartiality, or due authority.

If

If such rules as are stated by Your Committee under this head were observed in the regular Service at home and abroad, the necessity of superseding the regular Service by strangers would be more rare; and whenever the Servants were so superseded, those, who put forward other candidates, would be obliged to produce a strong plea of merit and ability, which in the judgment of mankind ought to overpower pretensions so authentically established, and so rigorously guarded from abuse.

Deficiency of Powers to Ministers of Government.

The second object in this part of the plan of the Act of 1773, namely, that of inspection by the Ministers of the Crown, appears not to have been provided for, so as to draw the timely and productive attention of the State on the grievances of the people of India, and on the abuses of its Government. By the regulating Act, the Ministers were enabled to inspect one part of the correspondence, that, which was received in England; but not that, which went outward. They might know something, but that very imperfectly, and unsystematically, of the state of affairs; but they were neither authorized to advance nor to retard any measure taken by the Directors in consequence of that state: they were not provided even with sufficient means of knowing what any of these measures were: And this imperfect information, together with the want of a direct call to any specifick duty, might have in-

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some degree occasioned that remissness, which rendered even the imperfect powers originally given by the Act of 1773 the less efficient. This defect was in a great measure remedied by a subsequent Act: but that Act was not passed until the year 1780.

Your Committee find, that during the whole period, which elapsed from 1773 to the commencement of 1782, disorders and abuses of every kind multiplied. Wars contrary to policy, and contrary to publick faith, were carrying on in various parts of India. The allies, dependants, and subjects of the Company were every where oppressed; dissensions in the Supreme Council prevailed, and continued for the greater part of that time; the contests between the Civil and Judicial powers threatened that issue, to which they came at last, an armed resistance to the authority of the King's Court of Justice; the orders, which by an Act of Parliament the Servants were bound to obey, were avowedly, and on principle, contemned; until at length the fatal effects of accumulated misdemeanors abroad, and neglects at home, broke out in the alarming manner, which Your Committee have so fully reported to this House.

Disorders increased since 1773.

Vide Secret Committee Reports.

Vide Select Committee Reports, 1781.

In all this time the true state of the several Presidencies, and the real conduct of the British Government towards the Natives, was not at all known to Parliament: it seems to have been very imperfectly

Proceedings in India not known to Parliament.

imperfectly known even to Ministers. Indeed, it required an unbroken attention, and much comparison of facts and reasonings, to form a true judgment on that difficult and complicated system of politicks, revenue, and commerce, whilst affairs were only in their progress to that state, which produced the present inquiries. Therefore, whilst the causes of their ruin were in the height of their operation, both the Company and the Natives were understood by the publick as in circumstances the most assured, and most flourishing. Insomuch that, whenever the affairs of India were brought before Parliament, as they were two or three times during that period, the only subject-matter of discussion, anywise important, was concerning the sums, which might be taken out of the Company's surplus profits for the advantage of the State. Little was thought of but the disengagement of the Company from their debts in *England*, and to prevent the Servants abroad from drawing upon them, so as that body might be enabled, without exciting clamours here, to afford the contribution, that was demanded. All descriptions of persons, either here or in India, looking solely to appearances at home, the reputation of the Directors depended on the keeping the Company's sales in a situation to support the Dividend; that of the Ministers depended on the most lucrative bargains for the Exchequer; and that of the Servants

abroad

abroad on the largest Investments; until at length there is great reason to apprehend, that, unless some very substantial reform takes place in the management of the Company's affairs, nothing will be left for investment, for dividend, or for bargain; and India, instead of a resource to the Publick, may itself come, in no great length of time, to be reckoned amongst the publick burthens.

Inspection of Ministers has failed in effect.

In this manner the inspection of the Ministers of the Crown, the great cementing regulation of the whole Act of 1773, has, along with all the others, entirely failed in its effects.

Failure in the Act.

Your Committee, in observing on the failure of this Act, do not consider the intrinsick defects or mistakes in the Law itself, as the sole cause of its miscarriage. The general policy of the nation with regard to this object has been, they conceive, erroneous; and no remedy by laws under the prevalence of that policy can be effectual. Before any remedial law can have its just operation, the affairs of India must be restored to their natural order. The prosperity of the Natives must be previously secured, before any profit from them whatsoever is attempted. For as long as a system prevails, which regards the transmission of great wealth to this country, either for the Company or the State, as its principal end, so long will it be impossible that those, who are the instruments of that scheme, should not be actuated by the same spirit for their

own

own private purposes. It will be worse: they will support the injuries done to the Natives for their selfish ends by new injuries done in favour of those, before whom they are to account. It is not reasonably to be expected, that a Publick, rapacious and improvident, should be served by any of its subordinates with disinterestedness or foresight.

II.—CONNEXION OF GREAT BRITAIN WITH INDIA.

IN order to open more fully the tendency of the policy, which has hitherto prevailed, and that the House may be enabled in any regulations, which may be made, to follow the tracks of the abuse, and to apply an appropriated remedy to a particular distemper; Your Committee think it expedient to consider, in some detail, the manner, in which India is connected with this kingdom; which is the second head of their plan.

The two great links, by which this connexion is maintained, are, first, the East India Company's commerce; and next, the Government set over the natives by that Company, and by the Crown. The first of these principles of connexion, namely the East-India Company's trade, is to be first considered, not only as it operates by itself, but as having a powerful influence over the general policy

and

and the particular measures of the Company's Government. Your Committee apprehend that the present state, nature, and tendency of this trade, are not generally understood. . .

Trade to India formerly carried on chiefly in Silver.

Until the acquisition of great territorial revenues by the East-India Company, the trade with India was carried on upon the common principles of commerce, namely, by sending out such commodities as found a demand in the India market, and, where that demand was not adequate to the reciprocal call of the European market for Indian goods, by a large annual exportation of treasure, chiefly in silver. In some years that export has been as high as six hundred and eighty thousand pounds sterling. The other European Companies, trading to India, traded thither on the same footing. Their export of bullion was probably larger in proportion to the total of their commerce; as their commerce itself bore a much larger proportion to the British than it does at this time, or has done for many years past. But stating it to be equal to the British, the whole of the silver sent annually from Europe into Hindostan could not fall very short of twelve or thirteen hundred thousand pounds a year. This influx of money, poured into India by an emulation of all the commercial nations of Europe, encouraged industry, and promoted cultivation in a high degree, notwithstanding the frequent wars, with which that country was harassed, and the vices, which existed

in its internal Government. On the other hand, the export of so much silver was sometimes a subject of grudging and uneasiness in Europe; and a commerce, carried on through such a medium, to many appeared in speculation of doubtful advantage. But the practical demands of commerce bore down those speculative objections. The East-India commodities were so essential for animating all other branches of trade, and for completing the commercial circle, that all nations contended for it with the greatest avidity. The English Company flourished under this exportation for a very long series of years. The Nation was considerably benefited both in trade and in revenue; and the Dividends of the Proprietors were often high, and always sufficient to keep up the credit of the Company's Stock in heart and vigour.

How Trade carried on since.

But at, or very soon after, the acquisition of the territorial revenues to the English Company, the period of which may be reckoned as completed about the year 1765, a very great revolution took place in commerce as well as in dominion; and it was a revolution, which affected the trade of Hindostan with all other European nations, as well as with that, in whose favour and by whose power it was accomplished. From that time bullion was no longer regularly exported by the English East India Company to Bengal, or any part of Hindostan; and it was soon exported in much smaller quantities by

any

any other nation. A new way of supplying the market of Europe, by means of the British power and influence, was invented; a species of trade (if such it may be called), by which it is absolutely impossible that India should not be radically and irretrievably ruined, although our possessions there were to be ordered and governed upon principles diametrically opposite to those, which now prevail in the system and practice of the British Company's administration.

Investments.

A certain portion of the revenues of Bengal has been, for many years, set apart to be employed in the purchase of goods for exportation to England, and this is called the *Investment.* The greatness of this Investment has been the standard, by which the merit of the Company's principal Servants has been too generally estimated; and this main cause of the impoverishment of India has been generally taken as a measure of its wealth and prosperity. Numerous fleets of large ships, loaded with the most valuable commodities of the East, annually arriving in England, in a constant and increasing succession, imposed upon the Publick eye, and naturally gave rise to an opinion of the happy condition and growing opulence of a country, whose surplus productions occupied so vast a space in the commercial world. This export from India seemed to imply also a reciprocal supply, by which the trading capital employed in those productions was

continually strengthened and enlarged. But the payment of a tribute, and not a beneficial commerce to that country, wore this specious and delusive appearance.

Increase of Expenses.

The fame of a great territorial revenue, exaggerated, as is usual in such cases, beyond even its value,[84] and the abundant fortunes of the Company's Officers, military and civil, which flowed into Europe with a full tide, raised in the Proprietors of East-India Stock a premature desire of partaking with their Servants in the fruits of that splendid adventure. Government also thought they could not be too early in their claims for a share of what they considered themselves as entitled to in every foreign acquisition made by the power of this kingdom, through whatever hands, or by whatever means, it was made. These two parties, after some struggle, came to an agreement to divide between them the profits, which their speculation proposed to realize in England from the territorial revenue in Bengal. About two hundred thousand pounds were added to the annual Dividends of the Proprietors. Four hundred thousand were given to the State; which, added to the old Dividend, brought a constant charge upon the mixt interest of Indian trade and revenue of eight hundred thousand pounds a year; this was to be provided for at all events.

By that vast demand on the territorial fund, the

corrective

correctives and qualifications, which might have been gradually applied to the abuses in Indian commerce and government, were rendered extremely difficult.

Progress of Investments.

The practice of an Investment from the Revenue began in the year 1776, before arrangements were made for securing and appropriating an assured fund for that purpose in the Treasury, and for diffusing it from thence upon the manufactures of the country in a just proportion, and in the proper season. There was indeed, for a short time, a surplus of cash in the Treasury. It was in some shape to be sent home to its owners. To send it out in silver was subject to two manifest inconveniences. —First, The Country would be exhausted of its circulating medium. A scarcity of coin was already felt in Bengal. Cossim Ali Khân (the Nabob, whom the Company's Servants had lately set up, and newly expelled), during the short period of his power, had exhausted the country by every mode of extortion; in his flight he carried off an immense treasure, which has been variously computed, but by none at less than three millions Sterling. A country so exhausted of its coin, and harassed by three revolutions, rapidly succeeding each other, was rather an object, that stood in need of every kind of refreshment and recruit, than one, which could subsist under new evacuations. The next, and equally obvious, inconvenience was to the Com-

pany itself. To send silver into Europe would be to send it from the best to the worst market. When arrived, the most profitable use, which could be made of it, would be to send it back to Bengal for the purchase of Indian merchandise: it was necessary therefore to turn the Company's revenue into its commerce. The first Investment was about five hundred thousand pounds, and care was taken afterwards to enlarge it. In the years 1767 and 1768, it arose to seven hundred thousand.

Consequences of them.

This new system of trade, carried on through the medium of power and publick revenue, very soon produced its natural effects. The loudest complaints arose among the natives, and among all the foreigners, who traded to Bengal. It must unquestionably have thrown the whole mercantile system of the country into the greatest confusion. With regard to the natives, no expedient was proposed for their relief. The case was serious with respect to European Powers. The Presidency plainly represented to the Directors, that some agreement should be made with foreign nations for providing their Investment to a certain amount, or that the deficiencies then subsisting must terminate in an open rupture with France. The Directors, pressed by the large payments in England, were not free to abandon their system; and all possible means of diverting the manufactures into the Company's Investment were still anxiously sought and

pursued, until the difficulties of the foreign Companies were at length removed by the natural flow of the fortunes of the Company's Servants into Europe in the manner, which will be stated hereafter.

But, with all these endeavours of the Presidency, the Investment sunk in 1769, and they were even obliged to pay for a part of the goods to private merchants in the Company's Bonds, bearing interest. It was plain that this course of business could not hold. The manufacturers of Bengal, far from being generally in a condition to give credit, have always required advances to be made to them; so have the merchants very generally; at least, since the prevalence of the English power in India. It was necessary therefore, and so the Presidency of Calcutta represented the matter, to provide beforehand a year's advance. This required great efforts; and they were made. Notwithstanding the famine in 1770, which wasted Bengal in a manner dreadful beyond all example, the Investment, by a variety of successive expedients, many of them of the most dangerous nature and tendency, was forcibly kept up; and even in that forced and unnatural state it gathered strength almost every year. The debts contracted in the infancy of the system were gradually reduced; and the advances to contractors and manufacturers were regularly made; so that the goods from Bengal, purchased from the territorial

torial revenues, from the sale of European goods, and from the produce of the monopolies, for the four years, which ended with 1780 (when the Investment from the surplus revenues finally closed), were never less than a million Sterling, and commonly nearer twelve hundred thousand pounds. This million is the lowest value of the goods sent to Europe, for which no satisfaction is made.*

Remittances from Bengal to China, and the Presidencies.

About an hundred thousand pounds a year is also remitted from Bengal, on the Company's account, to China; and the whole of the product of that money flows into the direct trade from China to Europe. Besides this, Bengal sends a regular supply, in time of peace, to those Presidencies, which are unequal to their own establishment. To Bombay the remittance in money, bills, or goods, for none of which there is a return, amounts to one hundred and sixty thousand pounds a year at a medium.

Exports from England to India.

The goods, which are exported from Europe to India, consists chiefly of military and naval stores, of clothing for troops, and of other objects for the consumption of the Europeans residing there; and, excepting some lead, copper utensils, and sheet copper, woollen cloth, and other commodities of little comparative value, no sort of merchandise is sent

* The sale, to the amount of about one hundred thousand pounds annually, of the export from Great Britain ought to be deducted from this million.

from

from England, that is in demand for the wants or desires of the native inhabitants.

When an account is taken of the intercourse (for it is not commerce), which is carried on between Bengal and England, the pernicious effects of the system of Investment from Revenue will appear in the strongest point of view. In that view, the whole exported produce of the country (so far as the Company is concerned) is not exchanged in the course of barter; but is taken away without any return or payment whatsoever. In a commercial light, therefore, England becomes annually bankrupt to Bengal to the amount nearly of its own dealing; or rather the country has suffered, what is tantamount to an annual plunder of its manufactures and its produce to the value of twelve hundred thousand pounds. Bad effects of Investment.

In time of peace, three foreign Companies appear at first sight to bring their contribution of trade to the supply of this continual drain. These are the Companies of France, Holland, and Denmark. But when the object is considered more nearly, instead of relief, these Companies, who from their want of authority in the country might seem to trade upon a principle merely commercial, will be found to add their full proportion to the calamity brought upon Bengal by the destructive system of the ruling Power; because the greater part of the capital of all these Companies, and perhaps the whole Foreign Companies. Consequences of their Trade.

whole capital of some of them, is furnished, exactly as the British is, out of the revenues of the country. The civil and military Servants of the English East-India Company being restricted in drawing bills upon Europe, and none of them ever making or proposing an establishment in India, a very great part of their fortunes, well or ill-gotten, is in all probability thrown, as fast as required, into the cash of these Companies.

In all other countries the revenue, following the natural course and order of things, arises out of their commerce. Here, by a mischievous inversion of that order, the whole foreign maritime trade, whether English, French, Dutch, or Danish, arises from the revenues; and these are carried out of the country, without producing any thing to compensate so heavy a loss.

Foreign Companies Investments.

Your Committee have not been able to discover the entire value of the Investment made by foreign Companies. But, as the Investment, which the English East-India Company derived from its revenues, and even from its publick credit, is for the year 1783 to be wholly stopped, it has been proposed to private persons to make a subscription for an Investment on their own account. This investment is to be equal to the sum of £. 800,000. Another loan has been also made for an Investment on the Company's account to China of £. 200,000. This makes a million; and there is no question,

that

that much more could be readily had for bills upon Europe. Now, as there is no doubt that the whole of the money remitted is the property of British subjects (none else having any interest in remitting to Europe), it is not unfair to suppose, that a very great part, if not the whole, of what may find its way into this new channel is not newly created; but only diverted from those channels, in which it formerly ran, that is, the cash of the foreign trading Companies.

Of the silver sent to China.

Besides the Investment made in goods by foreign Companies from the funds of British subjects, these subjects have been for some time in the practice of sending very great sums in gold and silver directly to China on their own account. In a memorial presented to the Govenour General and Council, in March 1782, it appears, that the principal money lent by British subjects to one Company of Merchants in China then amounted to seven millions of dollars, about one million seven hundred thousand pounds sterling; and not the smallest particle of silver sent to China ever returns to India. It is not easy to determine, in what proportions this enormous sum of money has been sent from Madras, or from Bengal, but it equally exhausts a country belonging to this kingdom, whether it comes from the one or from the other.

Revenue above the investment, how applied.

But that the greatness of all these drains, and their effects, may be rendered more visible, Your Committee

Committee have turned their consideration to the employment of those parts of the Bengal revenue, which are not employed in the Company's own Investments for China and for Europe. What is taken over and above the Investment (when an investment can be made) from the gross revenue, either for the charge of collection, or for civil and military establishments, is in time of peace two millions at the least. From the portion of that sum, which goes to the support of Civil Government, the natives are almost wholly excluded, as they are from the principal collections of revenue. With very few exceptions, they are only employed as servants and agents to Europeans, or in the inferiour departments of collection, when it is absolutely impossible to proceed a step without their assistance. For some time after the acquisition of the territorial revenue, the sum of four hundred and twenty thousand pounds a year was paid, according to the stipulation of a treaty, to the Nabob of Bengal, for the support of his government. This sum, however inconsiderable compared to the revenues of the province, yet distributed through the various departments of Civil Administration, served in some degree to preserve the natives of the better sort, particularly those of the Mahomedan profession, from being utterly ruined. The people of that persuasion not being so generally engaged in trade, and not having on their conquest of Bengal divested

Allowance to Nabob of Bengal.

divested the ancient Gentû proprietors of their lands of inheritance, had for their chief, if not their sole, support the share of a moderate conqueror in all offices civil and military. But your Committee find that this arrangement was of a short duration. Without the least regard to the subsistence of this innocent people, or to the faith of the agreement, on which they were brought under the British Government, this sum was reduced by a new treaty to £. 320,000; and soon after (upon a pretence of the present Nabob's minority, and a temporary sequestration for the discharge of his debts) to £. 160,000: but when he arrived at his majority, and when the debts were paid, the sequestration still continued. And, so far as the late advices may be understood, the allowance to the Nabob appears still to stand at the reduced sum of £. 160,000.

How reduced.

The other resource of the Mahomedans, and of the Gentûs of certain of the higher casts, was the Army. In this Army, nine tenths of which consists of natives, no native, of whatever description, holds any rank higher than that of a *Subadar Commandant*, that is, of an officer below the rank of an English Subaltern, who is appointed to each Company of the Native Soldiery.

Native Officers.

Your Committee here would be understood to state the ordinary establishment, for the war may have made some alteration: all the honourable, all the

All lucrative employments in the hands of the English.

the lucrative, situations of the army, all the supplies and contracts, of whatever species, that belong to it, are solely in the hands of the English; so that whatever is beyond the mere subsistence of a common soldier, and some officers of a lower rank, together with the immediate expenses of the English officers at their table, is sooner or later, in one shape or another, sent out of the country.

Such was the state of Bengal even in time of profound peace, and before the whole weight of the publick charge fell upon that unhappy country for the support of other parts of India, which had been desolated in such a manner as to contribute little or nothing to their own protection.

Former state of Trade;

Your Committee have given this short comparative account of the effects of the maritime traffick of Bengal when in its natural state, and as it has stood since the prevalence of the system of an investment from the revenues. But before the formation of that system, Bengal did by no means depend for its resources on its maritime commerce. The inland trade, from whence it derived a very great supply of silver and gold, and many kinds of merchantable goods, was very considerable.—The higher provinces of the Mogul empire were then populous and opulent, and intercourse to an immense amount was carried on between them and Bengal. A great trade also passed through these provinces from all the countries on the frontier of Persia,

Persia, and the frontier provinces of Tartary, as well as from Surat and Baroach on the Western side of India. These parts opened to Bengal a communication with the Persian Gulf and with the Red Sea, and through them with the whole Turkish, and the maritime parts of the Persian empire, besides the commercial intercourse, which it maintained with those and many other countries through its own sea-ports.

During that period the remittances to the Mogul's treasury from Bengal were never very large, at least for any considerable time; nor very regularly sent; and the impositions of the State were soon repaid with interest through the medium of a lucrative commerce. But the disorders of Persia, since the death of Kouli Khân, have wholly destroyed the trade of that country; and the trade to Turkey, by Judda and Bussorah, which was the greatest, and perhaps the best, branch of the Indian trade, is very much diminished. The fall of the throne of the Mogul Emperours has drawn with it that of the great marts of Agra and Delhi. The utmost confusion of the North-western provinces followed this revolution, which was not absolutely complete until it received the last hand from Great Britain. Still greater calamities have fallen upon the fine provinces of Rohilcund and Oude, and on the countries of Corah and Allahabad. By the operations of the British arms and influence, they

And the trade to Turkey.

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are in many places turned to mere deserts, or so reduced and decayed as to afford very few materials, or means of commerce.

State of Trade in Carnatic.

Such is the actual condition of the trade of Bengal since the establishment of the British power there. The commerce of the Carnatic, as far as the inquiries of Your Committee have extended, did not appear with a better aspect, even before the invasion of Hyder Ali Khân, and the consequent desolation, which for many years to come must exclude it from any considerable part of the trading system.

It appears on the examination of an intelligent person concerned in trade, and who resided at Madras for several years, that on his arrival there, which was in the year 1767, that city was in a flourishing condition, and one of the first marts in India; but when he left it in 1779 there was little or no trade remaining, and but one ship belonging to the whole place. The evidence of this gentleman purports, that at his first acquaintance with the Carnatic it was a well cultivated and populous country, and as such consumed many articles of merchandise; that at his departure he left it much circumscribed in trade, greatly in the decline as to population and culture, and with a correspondent decay of the territorial revenue.

Your Committee find, that there has also been from Madras an Investment on the Company's account,

account, taking one year with another, very nearly on the same principles, and with the same effects, as that from Bengal; and they think it is highly probable, that, besides the large sums remitted directly from Madras to China, there has likewise been a great deal on a private account, for that and other countries, invested in the cash of foreign and European Powers trading on the coast of Coromandel. But Your Committee have not extended their inquiries relative to the commerce of the countries dependent on Madras so far as they have done with regard to Bengal. They have reason to apprehend, that the condition is rather worse; but if the House requires a more minute examination of this important subject Your Committee is willing to enter into it without delay.

III.—EFFECT OF THE REVENUE INVESTMENT ON THE COMPANY.

HITHERTO, Your Committee has considered this system of Revenue Investment, substituted in the place of a commercial link between India and Europe, so far as it affects India only: they are now to consider it as it affects the Company. So long as that Corporation continued to receive a vast quantity of merchantable goods without any disbursement for the purchase, so long it possessed wherewithal to continue a dividend to pay debts, and to contribute to the State. But it must have been always evident to considerate persons, that this vast extraction of wealth from a country, lessening in its resources in proportion to the increase of its burthens, was not calculated for a very long duration. For a while the Company's Servants kept up this Investment, not by improving commerce, manufactures, or agriculture, but by forcibly raising the Land-Rents on the principles and in the manner hereafter to be described. When these extortions disappointed, or threatened to disappoint, expectation, in order to purvey for the avarice, which raged in England, they sought for expedients in breaches of all the agreements, by which they were bound by any payment to the Country Powers, and in exciting disturbances among all the neighbouring

bouring Princes. Stimulating their ambition, and fomenting their mutual animosities, they sold to them reciprocally their common servitude and ruin.

The Governour-General, Mr. Hastings, and the Council, tell the Directors, "that the supply for "the Investment has arisen from *casual* and *extraordinary* resources, which they could not "expect *always* to command." In an earlier Minute he expresses himself still more distinctly; he says, "If the internal resources of a State fail "it, or are not equal to its *occasional* wants, whence "can it obtain immediate relief but from *external* "means?" Indeed, the Investment has not been for any long time the natural product of the Revenue of Bengal; when by the vast charge, and by the ill return of an evil political and military traffick, and by a prodigal increase of establishments, and a profuse conduct in distributing agencies and contracts, they found themselves under difficulties, instead of being cured of their immoral and impolitick delusion, they plunged deeper into it, and were drawn from expedient to expedient for the supply of the Investment into that endless chain of wars, which this House, by its resolutions, has so justly condemned. At home these measures were sometimes countenanced, sometimes winked at, sometimes censured, but always with an acceptance of whatever profit they afforded.

At length the funds for the Investment, and for these wars together, could no longer be supplied. In the year 1778, the provision for the Investment from the Revenues, and from the monopolies, stood very high. It was estimated at a million four hundred thousand pounds; and of this it appears that a great deal was realized. But this was the high flood-tide of the Investment; for in that year they announce its probable decline; and that such extensive supplies could not be continued. The advances to the Board of Trade became less punctual, and many disputes arose about the time of making them. However, knowing that all their credit at home depended on the Investment, or upon an opinion of its magnitude, whilst they repeat their warning of a probable deficiency, and that their "Finances bore an unfavourable aspect," in the year 1779 they rate the Investment still higher. But their payments becoming less and less regular, and the war carrying away all the supplies, at length Mr. Hastings, in December 1780, denounced sentence of approaching dissolution to this system, and tells the Directors that "He bore too high a re-"spect for their characters to treat them with the "management of a preparatory and gradual intro-"duction to an unpleasing report. That it is the "*only substantial* information he shall have to "convey in that letter." In confidence therefore, of their fortitude, he tells them, without cere-

mony, "that there will be a necessity of making "a large reduction, or possibly a *total suspension* "of their Investment;—that they had already been "reduced to borrow near £. 700,000. "This re- "source (says he) cannot last; it must cease at a "certain period, and that perhaps not far *distant*."

He was not mistaken in his prognostick. Loans now becoming the regular resource for retrieving the Investment, whose ruin was inevitable, the Council enable the Board of Trade, in April 1781, to grant certificates for Government Bonds at eight per cent. interest for about £. 650,000. The Investment was fixed at £. 900,000.

But now another alarming system appeared. These new bonds overloaded the market: those, which had been formerly issued, were at a discount; the Board of Trade was obliged to advance, therefore, a fourth more than usual to the Contractors. This seemed to satisfy that description of dealers. But as those, who bought on agency, were limited to no terms of mutual advantage; and the bonds on the new issue falling from three to eight, nine, and ten per cent. discount, the agents were unable to furnish at the usual prices. Accordingly a discount was settled on such terms as could be made; the lowest discount, and that at two places only, was at four per cent.; which, with the interest on the bonds, made (besides the earlier advance) at the least twelve per cent. additional charge upon

all goods. It was evident, that as the Investment, instead of being supported by the Revenues, was sunk by the fall of their credit, so the net Revenues were diminished by the daily accumulation of an Interest accruing on account of the Investment. What was done to alleviate one complaint thus aggravating the other, and at length proving pernicious to both, this trade on bonds likewise came to its period.

Your Committee has reason to think, that the bonds have since that time sunk to a discount much greater even than what is now stated. The Board of Trade justly denominates their resource for that year "the sinking credit of a paper currency, la-"bouring, from the uncommon scarcity of species, "under disadvantages scarcely surmountable." From this they value themselves "on having "effected an *ostensible* provision, at least for that "Investment." For 1783 nothing appears even ostensible.

By this failure a total revolution ensued of the most extraordinary nature, and to which Your Committee wish to call the particular attention of the House. For the Council-General, in their letter of the 8th of April 1782, after stating that they were disappointed in their expectations (how grounded it does not appear), "thought that they "should be able to spare a sum to the Board of "Trade"—they tell the Court of Directors "that

"they

"they had adopted a *new* method of keeping up "the Investment by private subscribers for eighty "lacks of rupees, which will find *cargoes for their* "*ships* on the usual terms of privilege at *the risk* "*of the individuals*; and is to be repaid to *them* "*according to the produce of the Sales in England.*" And they tell the Directors, that "a copy of the "plan makes a number in their separate dispatches "over land."

It is impossible, in reporting this revolution to the House, to avoid remarking with what fidelity Mr. Hastings and his Council have adhered to the mode of transmitting their accounts, which Your Committee found it necessary to mark and censure in their First Report. Its pernicious tendency is there fully set forth. They were peculiarly called on for a most accurate state of their affairs, in order to explain the necessity of having recourse to such a scheme, as well as for a full and correct account of the scheme itself. But they send only the above short Minute by one dispatch over land, whilst the copy of the plan itself, on which the Directors must form their judgment, is sent separately in another dispatch over land, which has never arrived. A third dispatch, which also contained the plan, was sent by a sea-conveyance, and arrived late. The Directors have, for very obvious reasons, ordered, by a strict injunction, that they should send *Duplicates of all* their dispatches by *every ship*. The

spirit of this rule, perhaps, ought to extend to every mode of conveyance. In this case, so far from sending a duplicate, they do not send even one perfect account. They announce a plan by one conveyance, and they send it by another conveyance, with other delays, and other risks.

At length, at nearly four months distance, the plan has been received; and appears to be substantially that, which had been announced, but developing in the particulars many new circumstances of the greatest importance. By this plan it appears that the subscription, even in idea or pretence, is not for the use of the Company; but that the subscribers are united into a sort of society for the remitting their *private fortunes:* the goods indeed are said to be *shipped on the Company's account,* and they are directed to be sold on the same account, and at the usual periods of sale; but, after the payment of duties, and such other allowances as they choose to make, in the 11th article they provide "that the *remainder of the sales shall revert* "*to the subscribers,* and be declared to *be their* "*property,* and divided in proportion to *their* re-"spective shares." The compensation, which they allow in this plan to their masters for their brokerage, is, that if (after deducting all the charges, which they impose) "the amount of the sales *should be* "*found* to exceed two shillings and twopence for "the current rupee of the invoice account, it shall

"be

" be taken by the Company." For the management of this concern in Bengal they choose commissioners by their own authority. By the same authority they form them into a body; they put them under rules and regulations; and they empower them also to make regulations of their own. They remit, by the like authority, the duties, to which all private trade is subject; and they charge the whole concern with seven *per cent.* to be paid from the net produce of the sales in England, as a recompense to the Commissioners; for this the Commissioners contract to bear all the charges on the goods to the time of shipping.

The servants having formed this plan of trade, and a new commission for the conduct of it, on their private account,—it is a matter of consideration to know who the Commissioners are. They turn out to be the three senior servants of the Company's Board of Trade, who choose to take upon them to be the factors of others for large emoluments, whilst they receive salaries of two thousand pounds, and fifteen hundred pounds, a year from the Company. As the Company have no other fund than the new Investment, from whence they are to be paid for the care of their servants property, this commission and those salaries being to take place of their brokerage, they in effect render it very difficult, if not impossible, for them to derive advantage from their new occupation.

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As to the benefit of this *plan:* besides preventing the loss, which must happen from the Company's ships returning empty to Europe, and the stopping of all trade between India and England, the authors of it state, that it will "*open a new* "*channel* of remittance, and abolish the practice, "by precluding the necessity, of remitting *private* "*fortunes* by *foreign bottoms*; and that it may lead "to some *permanent mode* for remittance of pri- "vate fortunes, and of combining it with the re- "gular provision of the Company's Investment. "That it will yield *some* profit to the Company "without risk; and the national gain will be the "same as upon the regular trade."

As to the combination of this mode of remittance with the Company's Investment, nothing can be affirmed concerning it until some satisfactory assurance can be held out, that such an Investment can ever be realized. Mr. Hastings and the Gentlemen of the Council have not afforded any ground for such an expectation. That the Indian trade may become a permanent vehicle of the private fortunes of the Company's servants is very probable; that is, as permanent as the means of acquiring fortunes in India; but that *some profit* will accrue to the Company is absolutely impossible. The Company are to bear all the charge outwards, and a very great part of that homewards; and their only compensation is the surplus commission on the

sale

sale of other people's goods. The nation will undoubtedly avoid great loss and detriment, which would be the inevitable consequence of the total cessation of the trade with Bengal, and the ships returning without cargoes. But if this temporary expedient should be improved into a system, no occasional advantages to be derived from it would be sufficient to balance the mischiefs of finding a great parliamentary corporation turned into a vehicle for remitting to England the private fortunes of those, for whose benefit the territorial possessions in India are, in effect and substance, under this project to be *solely* held.

By this extraordinary scheme the Company is totally overturned, and all its relations inverted. From being a body concerned in trade on their own account, and employing their servants as factors, the servants have at one stroke taken the whole trade into their own hands, on their own capital of £.800,000, at their own risk; and the Company are become agents and factors to them, to sell by commission *their* goods for *their* profit.

To enable Your Committee to form some judgment upon the profit, which may accrue to the Company from its new relation and employment, they directed that an Estimate should be made of the probable proceeds of an Investment conducted on the principles of that intended to be realized for

1783.

1783. By this Estimate*, which is subjoined, it appears to Your Committee, that so far from any surplus profit from this transaction, the Bengal adventurers themselves, instead of realizing 2*s.* 2*d.* the Rupee (the standard they fix for their payment,)

* ESTIMATE of the Sale Amount, and net Proceeds in England, of the Cargoes to be sent from Bengal, agreeable to the plan received by Letter dated the 8th April 1782.

This Calculation supposes the 80 Lack Investments will be equal to the Tonnage of Five Ships.

[b] 2.	To Custom		£. 320,000	[a] 1. By Sale Amount of Piece Goods and Raw Silk	£.
[c] 3.	- Freight		200,000		
[d] 4.	- 5 per Cent. Duty on £. 1,300,000		65,000	Discount 6½ per Cent. allowed the Buyers	
[e] 5.	- 2 D° Warehouse Room D°		26,000		
	7 D° Commission on £. 604,500		42,315		
		£.	633,315		
[f] 6.	- Balance		562,185		
		£.	1,215,500		£.

[a] 1. The Sale Amount is computed on an average of the Sales of the two last years imports.

[b] 2. The Custom is computed on an average of what was paid on Piece Goods and Raw Silk of said imports, adding additional Imposts.

[c] 3. The Ships going out of this Season (1782), by which the above Investment is expected to be sent home, are taken up at £. 47 5 *s.* per ton, for the homeward cargo; this charge amounts to £. 35,815 each ship; the additional wages to the men, which the Company pay, and a very small charge for demurrage, will increase the freight, &c. to £. 40,000 per ship, agreeable to above Estimate.

will

will not receive the 1*s.* 9*d.* which is its utmost value in silver at the Mint; nor probably above 1*s.* 5*d.* With this certain loss before their eyes, it is impossible that they can ever complete their subscription, unless, by management among themselves, they should be able to procure the goods for their own account, upon other terms than those, on which they purchased them for their masters, or unless they have for the supply of the Company, on their hands, a quantity of goods, which they cannot otherwise dispose of. This latter case is not very improbable from their proposing to send ten sixteenths of the whole Investment in silk: which, as will be seen hereafter, the Company has prohibited to be sent on their account, as a disadvantageous article. Nothing, but the servants being overloaded, can rationally account for their choice of so great a proportion of so dubious a commodity.

[d] 4. The duty of 5 per cent. is charged by the Company on the gross Sale Amount of all private Trade licensed to be brought from India; the amount of this Duty is the only benefit the Company are likely to receive from the Subscription Investment.

[e] 5. This charge is likewise made on private Trade Goods, and is little (if any thing) more than the real expense the Company are at on account of the same; therefore no benefit will probably arise to the Company from it on the sale of the said Investment.

[f] 6. This is the sum which will probably be realized in England, and is only equal to 1*s.* 5*d.* per Rupee, on the 80 Lacks subscribed.

On

On the state made by two Reports of a Committee of the General Court in 1782, their affairs were even then reduced to a low ebb. But under the arrangement announced by Mr. Hastings and his colleagues, it does not appear, after this period of the servants Investment, from what fund the proprietors are to make any dividend at all. The objects of the sale, from whence the dividend is to arise, are not *their* goods: they stand accountable to others for the whole probable produce. The state of the Company's commerce will therefore become an object of serious consideration; an affair, as Your Committee apprehends, of as much difficulty as ever tried the faculties of this House. For on the one hand it is plain, that the system of providing the Company's Import into Europe, resting almost wholly on an Investment from its territorial Revenues, has failed: during its continuance it was supported on principles fatal to the prosperity of that country. On the other hand, if the nominal commerce of the Company is suffered to be carried on for the account of the servants abroad, by investing the emoluments made in their stations, these emoluments are therefore inclusively authorized, and with them the practices from which they accrue. All parliamentary attempts to reform this system will be contradictory to its institution. If, for instance, five hundred thousand pounds Sterling annually be necessary for this kind

of Investment, any regulation, which may prevent the acquisition of that sum, operates against the Investment, which is the end proposed by the plan.

On this new scheme, (which is neither calculated for a future security, nor for a present relief to the Company,) it is not visible in what manner the settlements in India can be at all upheld. The gentlemen in employments abroad call for the whole produce of the year's Investment from Bengal; but for the payment of the Counter-Investment from Europe, which is for the far greater part sent out for the support of their power, no provision at all is made: they have not, it seems, agreed that it should be charged to their account, or that any deduction should be made for it from the produce of their sales in Leadenhall-street. How far such a scheme is preferable to the total suspension of trade, Your Committee cannot positively determine. In all likelihood extraordinary expedients were necessary; but the causes, which induced this necessity, ought to be more fully inquired into; for the last step in a series of conduct may be justifiable upon principles, that suppose great blame in those, which preceded it.

After Your Committee had made the foregoing observations upon the plan of Mr. Hastings and his colleagues, transmitted to the Court of Directors, an extract of the Madras Consultations was a few days ago laid before us. This extract contains a letter

a letter from the Governour-General and Council of Bengal to the Presidency of Fort Saint-George, which affords a very striking, though to Your Committee by no means an unexpected, picture of the instability of their opinions and conduct. On the 8th of April the servants had regularly formed and digested the above-mentioned plan, which was to form the basis for the Investment of their own fortunes, and to furnish the sole means of the commercial existence of their masters. Before the 10th of the following May, which is the date of their letter to Madras, they inform Lord Macartney, that they had fundamentally altered the whole scheme. "Instead (say they) of allowing the "subscribers to retain an interest in the goods, "they are to be provided entirely on account of "the Company, and transported *at their risk*; "and the subscribers, instead of receiving certifi- "cates payable out of the produce of the Sales in "Europe, are to be granted receipts on the pay- "ment of their advances, bearing an interest of "eight per cent. per annum, until exchanged for "draughts on the Court of Directors, payable 365 "days after sight, at the rate of two shillings per "current Rupee; which draughts shall be granted "in the proper time of 3-8ths of the amount sub- "scribed on the 31st of December next; and the "remaining 5-8ths on the 31st of December "1783."

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The plan of April divests the Company of all property in Bengal goods transported to Europe; but in recompense they are freed from all the risk and expense; they are not loaded with interest; and they are not embarrassed with bills. The plan of May reinstates them in their old relation; but in return their revenues in Bengal are charged with an interest of eight per cent. on the sum subscribed, until bills shall be drawn. They are made proprietors of cargoes, purchased under the disadvantage of that interest at their own hazard. They are subjected to all losses; and they are involved in Europe for payments of Bills to the amount of eighty lacks of Rupees, at two shillings the Rupee, that is in bills for eight hundred thousand pounds Sterling. It is probably on account of the previous interest of eight per cent. that the value of the Rupee on this scheme is reduced. Mr. Hastings and his colleagues announce to Lord Macartney no other than the foregoing alteration in their plan.

It is discouraging to attempt any sort of observation on plans thus shifting their principle, whilst their merits are under examination. The judgment formed on the scheme of April has nothing to do with the project of May. Your Committee has not suppressed any part of the reflections, which occurred to them, on the former of these plans; first, because the Company knows of no other by any

regular transmissions; secondly, because it is by no means certain, that before the expiration of June the Governour-General and Council may not revert to the plan of April. They speak of that plan as likely to be (or make a part of one, that shall be) *permanent*. Many reasons are alleged by its authors in its favour, grounded on the state of their affairs; none whatever are assigned for the alteration. It is indeed morally certain, that persons, who had money to remit, must have made the same calculation, which has been made by the directions of Your Committee, and the result must have been equally clear to them; which is, that instead of realizing two shillings and twopence the Rupee on their subscription, as they proposed, they could never hope to see more than one shilling and ninepence. This calculation probably shook the main pillar of the project of April. But on the other hand, as the subscribers to the second scheme can have no certain assurance that the Company will accept bills so far exceeding their allowance in this particular, the necessity of remitting their fortunes may beat them back to their old ground. The Danish Company was the only means of remitting, which remained. Attempts have been made with success to revive a Portuguese trade for that purpose. It is by no means clear, whether Mr. Hastings and his colleagues will adhere to either of the foregoing plans; or indeed, whether any Invest-

ment

ment at all to that amount can be realized; because nothing but the convenience of remitting the gains of British subjects to London can support any of these projects.

The situation of the Company under this perpetual variation in the system of their Investment is truly perplexing. The manner, in which they arrive at any knowledge of it, is no less so. The letter to Lord Macartney, by which the variation is discovered, was not intended for transmission to the Directors. It was merely for the information of those, who were admitted to a share of the subscription at Madras. When Mr. Hastings sent this information to those subscribers, he might well enough have presumed an event to happen, which did happen, that is, that a vessel might be dispatched from Madras to Europe; and indeed by that, and by every devisable means, he ought not only to have apprized the Directors of this most material change in the plan of the Investment, but to have entered fully into the grounds and reasons of his making it.

It appears to Your Committee, that the ships, which brought to England the plan of the 8th of April, did not sail from Bengal until the 1st of May. If the change had been in contemplation for any time before the 13th of April, two days would have sufficed to send an account of it, and it might have arrived along with the plan, which it affected. If

therefore such a change was in agitation before the sailing of the ships, and yet was concealed when it might have been communicated, the concealment is censurable. It is not improbable that some change of the kind was made, or meditated, before the sailing of the ships for Europe; for it is hardly to be imagined, that reasons, wholly unlooked for, should appear for setting aside a plan, concerning the success of which the Council General seemed so very confident; that a new one should be proposed; that its merits should be discussed among the monied men; that it should be adopted in Council, and officially ready for transmission to Madras, in twelve or thirteen days. In this perplexity of plan and of transmission, the Court of Directors may have made an arrangement of their affairs on the ground-work of the first scheme, which was officially and authentically conveyed to them. The fundamental alteration of that plan in India might require another of a very different kind in England; which the arrangements taken in consequence of the first might make it difficult, if not impossible, to execute. What must add to the confusion is, that the alteration has not the regular and official authority of the original plan, and may be presumed to indicate with certainty nothing more than that the business is *again* afloat, and that no scheme is finally determined on. Thus the Company is left

without

without any fixed data, upon which they can make a rational disposition of their affairs.

The fact is, that the principles and economy of the Company's trade have been so completely corrupted by turning it into a vehicle for tribute, that, whenever circumstances require it to be replaced again upon a bottom truly commercial, hardly any thing but confusion and disasters can be expected as the first results. Even before the acquisition of the territorial revenues, the system of the Company's commerce was not formed upon principles the most favourable to its prosperity: for whilst, on the one hand, that body received encouragement by Royal and Parliamentary Charters, was invested with several ample privileges, and even with a delegation of the most essential prerogatives of the Crown, on the other, its commerce was watched with an invidious jealousy, as a species of dealing dangerous to the national interests. In that light, with regard to the Company's imports, there was a total prohibition from domestick use of the most considerable articles of their trade: that is, of all silk stuffs, and stained and painted cottons. The British market was in a great measure interdicted to the British trader. Whatever advantages might arise to the general trading interests of the kingdom by this restraint, its East-India interest was undoubtedly injured by it. The Company is also, and has been from a very early period, obliged to

furnish the Ordnance with a quantity of saltpetre at a certain price, without any reference to the standard of the markets either of purchase or of sale. With regard to their export, they were put also under difficulties upon very mistaken notions: for they were obliged to export annually a certain proportion of British manufactures, even though they should find for them in India none or but an unprofitable vent. This compulsory export might operate, and in some instances has operated, in a manner more grievous than a tax to the amount of the loss in trade. For the payment of a tax is in general divided in unequal portions between the vender and consumer, the largest part falling upon the latter. In the case before us the tax may be as a dead charge on the trading capital of the Company.

The spirit of all these regulations naturally tended to weaken, in the very original constitution of the Company, the main spring of the commercial machine, the *principles of profit and loss*. And the mischief arising from an inattention to those principles has constantly increased with the increase of its power. For when the Company had acquired the rights of sovereignty in India, it was not to be expected that the attention to profit and loss would have increased. The idea of remitting tribute in goods naturally produced an indifference to their price and quality; the goods themselves appearing

little

little else than a sort of package to the tribute. Merchandise, taken as tribute, or bought in lieu of it, can never long be of a kind, or of a price, fitted to a market, which stands solely on its commercial reputation. The indifference of the mercantile sovereign to his trading advantages naturally relaxed the diligence of his subordinate factor-magistrates through all their gradations and in all their functions; it gave rise, at least so far as the principal was concerned, to much neglect of price and of goodness in their purchases. If ever they showed any extraordinary degrees of accuracy and selection, it would naturally be in favour of that interest, to which they could not be indifferent. The Company might suffer above, the Natives might suffer below; the intermediate party must profit to the prejudice of both.

Your Committee are of opinion, that the Company is now arrived at that point, when, the Investment from surplus revenue, or from the spoil of war, ceasing, it is become much more necessary to fix its commerce upon a commercial basis. And this opinion led Your Committee to a detailed review of all the articles of the Indian traffick, upon which the profit and loss was steady; and we have chosen a period of four years, during the continuance of the Revenue Investment, and prior to any borrowing, or any extraordinary drawing of bills, in order to find out how far the trade, under

circumstances when it will be necessary to carry it on by borrowing, or by bills, or by exportation of bullion, can be sustained in the former course, so as to secure the capital, and to afford a reasonable dividend. And Your Committee find, that in the first four years the Investment from Bengal amounted to £. 4,176,525.; upon £. 2,260,277, there was a gain of £. 186,377; and, upon £. 1,916,248, a loss of £. 705,566: so that the excess of loss above gain, upon the whole of the foregoing capital, was in the four years no less than £. 519,229.

If the trade were confined to Bengal, and the Company were to trade on those terms upon a capital borrowed at eight per cent. Indian interest, their Revenues in that province would be soon so overpowered with debt, that those Revenues, instead of supporting the trade, would be totally destroyed by it. If, on the other hand, the Company traded upon Bills with every advantage, far from being in a condition to divide the smallest percentage, their bankruptcy here would be inevitable.

Your Committee then turned to the trade of the other factories and presidencies, and they constantly found, that as the power and dominion of the Company was less, their profit on the goods was greater. The Investments of Madras, Bombay, and Bencoolen have, in the foregoing four years, upon a capital of £. 1,151,176, had a gain upon the whole

of

of £. 329,622. The greatest of all is that of Bencoolen, which, on a capital of £. 76,571, produced a profit of £. 107,760. This however is but a small branch of the Company's trade. The trade to China, on a capital of £. 1,717,463, produced an excess of gain, amounting to £. 874,096, which is about fifty per cent. But such was the evil influence of the Bengal Investment, that not only the profits of the Chinese trade, but of all the lucrative branches taken together, were so sunk and ingulfed in it, that the whole profit on a capital of £. 7,045,164, reached to no more than £. 684,489; that is, to £. 189,607 less than the profit on the Chinese trade alone: less than the total profits on the gainful trades taken together, £. 520,727.

It is very remarkable, that in the year 1778, when the Bengal Investment stood at the highest, that is, so high as £. 1,223,316, though the Chinese trade produced an excess of gain in that year of £. 209,243, and that no loss of moment could be added to that of Bengal (except about £. 45,000, on the Bombay Trade), the whole profit of a capital of £. 2,040,787, amounted only to the sum of £. 9,480.

The circumstances of the time have rendered it necessary to call up a vigorous attention to this state of the trade of the Company between Europe and India.

INTERNAL TRADE OF BENGAL.

THE internal trade of Bengal has next attracted the inquiries of Your Committee.

The great and valuable articles of the Company's Investment, drawn from the articles of internal trade, are raw silk, and various descriptions of piece goods made of silk and cotton. These articles are not under any formal monopoly; nor does the Company at present exercise a *declared* right of pre-emption with regard to them. But it does not appear that the trade in these particulars is or can be perfectly free; not so much on account of any direct measures taken to prevent it, as from the circumstances of the country, and the manner of carrying on business there. For the present trade, even in these articles, is built from the ruins of old monopolies and pre-emptions, and necessarily partakes of the nature of its materials.

In order to show in what manner manufactures and trade so constituted contribute to the prosperity of the natives, Your Committee conceives it proper to take, in this place, a short general view of the progress of the English policy with relation to the commerce of Bengal, and the several stages and gradations, by which it has been brought into its actual state. The modes of abuse, and the means, by which commerce has suffered, will be considered

considered in greater detail under the distinct heads of those objects, which have chiefly suffered by them.

During the time of the Mogul government, the princes of that race, who omitted nothing for the encouragement of commerce in their dominions, bestowed very large privileges and immunities on the English East-India Company, exempting them from several duties, to which their natural-born subjects were liable. The Company's dustuck, or passport, secured to them this exemption at all the custom-houses and toll-bars of the country. The Company not being able, or not choosing, to make use of their privilege to the full extent, to which it might be carried, indulged their servants with a qualified use of their passport, under which, and in the name of the Company, they carried on a private trade, either by themselves, or in society with natives; and thus found a compensation for the scanty allowances made to them by their masters in England. As the Country government was at that time in the fulness of its strength, and that this immunity existed by a double connivance, it was naturally kept within tolerable limits.

But by the revolution in 1757, the Company's servants obtained a mighty ascendant over the native Princes of Bengal, who owed their elevation to the British arms. The Company, which was new to that kind of power, and not yet thoroughly apprized

apprized of its real character and situation, considered itself still as a trader in the territories of a foreign potentate, in the prosperity of whose country it had neither interest nor duty. The servants, with the same ideas, followed their fortune in the channels, in which it had hitherto ran, only enlarging them with the enlargement of their power. For their first ideas of profit were not official; nor were their oppressions those of ordinary despotism. The first instruments of their power were formed out of evasions of their ancient subjection. The passport of the Company in the hands of its servants was no longer under any restraint; and in a very short time their immunity began to cover all the merchandise of the country. Cossim Ali Khân, the second of the Nabobs, whom they had set up, was but ill disposed to the instruments of his greatness. He bore the yoke of this imperious commerce with the utmost impatience: he saw his subjects excluded as aliens from their own trade, and the revenues of the prince overwhelmed in the ruin of the commerce of his dominions. Finding his reiterated remonstrances on the extent and abuse of the passport ineffectual, he had recourse to an unexpected expedient, which was to declare his resolution at once to annul all the duties on trade, setting it equally free to subjects and to foreigners.

Never was a method of defeating the oppressions of monopoly more forcible, more simple, or more

 equitable:

equitable: no sort of plausible objection could be made; and it was in vain to think of evading it. It was therefore met with the confidence of avowed and determined injustice. The Presidency of Calcutta openly denied to the Prince the power of protecting the trade of his subjects by the remission of his own duties. It was evident that his authority drew to its period; many reasons and motives concurred, and his fall was hastened by the odium of the oppressions, which he exercised voluntarily, as well as of those, to which he was obliged to submit.

When this example was made, Jaffier Ali Khân, who had been deposed to make room for the last actor, was brought from penury and exile to a station, the terms of which he could not misunderstand. During his life, and in the time of his children, who succeeded to him, parts of the territorial revenue were assigned to the Company; and the whole, under the name of Residency at the Nabob's Court, was brought, directly or indirectly, under the control of British subjects. The Company's servants, armed with authorities delegated from the nominal Government, or attended with, what was a stronger guard, the faine of their own power, appeared as Magistrates in the markets, in which they dealt as traders. It was impossible for the natives in general to distinguish, in the proceedings of the same persons, what was transacted on the Company's account, from what was done on their

their own; and it will ever be so difficult to draw this line of distinction, that, as long as the Company does, directly or indirectly, aim at any advantage to itself in the purchase of any commodity whatever, so long will it be impracticable to prevent the servants availing themselves of the same privileges.

The servants, therefore, for themselves, or for their employers, monopolized every article of trade, foreign and domestick; not only the raw merchantable commodities, but the manufactures; and not only these, but the necessaries of life, or what in these countries habit has confounded with them; not only silk, cotton, piece-goods, opium, saltpetre, but not unfrequently salt, tobacco, betel nut, and the grain of most ordinary consumption. In the name of the Country Government they laid on or took off, and at their pleasure heightened or lowered, all duties upon goods: the whole trade of the country was either destroyed, or in shackles. The acquisition of the Duanné, in 1765, bringing the English into the immediate government of the country in its most essential branches, extended and confirmed all the former means of monopoly.

In the progress of these ruinous measures, through all their details, innumerable grievances were suffered by the native inhabitants, which were represented in the strongest, that is, their true colours in England. Whilst the far greater part of the British

British in India were in eager pursuit of the forced and exorbitant gains of a trade carried on by power, contests naturally arose among the competitors: those, who were overpowered by their rivals, became loud in their complaints to the Court of Directors, and were very capable, from experience, of pointing out every mode of abuse.

The Court of Directors, on their part, began, though very slowly, to perceive that the country, which was ravaged by this sort of commerce, was their own. These complaints obliged the Directors to a strict examination into the real sources of the mismanagement of their concerns in India, and to lay the foundations of a system of restraint on the exorbitancies of their servants. Accordingly, so early as the year 1765, they confine them to a trade only in articles of export and import; and strictly prohibit them from all dealing in objects of internal consumption. About the same time, the Presidency of Calcutta found it necessary to put a restraint upon themselves, or at least not to make a show of a disposition (with which the Directors appear much satisfied) to keep their own enormous power within bounds.

But, whatever might have been the intentions either of the Directors or the Presidency, both found themselves unequal to the execution of a plan, which went to defeat the projects of almost all the English in India; possibly comprehending some,

some, who were makers of the regulations. For as the complaint of the country, or as their own interest, predominated with the Presidency, they were always shifting from one course to the other; so that it became as impossible for the natives to know upon what principle to ground any commercial speculation from the uncertainty of the law, under which they acted, as it was when they were oppressed by power without any colour of law at all; for the Directors, in a few months after they had given these tokens of approbation to the above regulations in favour of the country-trade, tell the Presidency, "it is with concern we see, in *every* "*page* of your consultations, *restrictions, limita-* "*tions, prohibitions, affecting various articles of* "*trade.*"

On their side, the Presidency freely confess that these monopolies of inland trade "were the foun- "dation of all the bloodsheds, massacres, and con- "fusions, which have happened of late in Bengal."

Pressed in this urgent manner, the Directors came more specifically to the grievance, and at once annul all the passports, with which their Servants traded without duties, holding out means of compensation, of which it does not appear that any advantage was taken. In order that the duties, which existed, should no longer continue to burthen the trade either of the servants or natives, they ordered that a number of oppressive toll-bars should

be

be taken away, and the whole number reduced to nine of the most considerable.

When Lord Clive was sent to Bengal to effect a reformation of the many abuses, which prevailed there, he considered monopoly to be so inveterate and deeply rooted, and the just rewards of the Company's servants to be so complicated with that injustice to the country, that the latter could not easily be removed without taking away the former. He adopted therefore a plan for dealing in certain articles, which, as he conceived, rather ought to be called "a regulated and restricted trade" than a formal monopoly. By this plan he intended that the profits should be distributed in an orderly and proportioned manner for the reward of services, and not seized by each individual according to the measure of his boldness, dexterity, or influence.

But this scheme of monopoly did not subsist long, at least in that mode, and for those purposes: three of the grand monopolies, those of opium, salt, and saltpetre, were successively by the Company taken into their own hands. The produce of the sale of the two former articles was applied to the purchase of goods for their Investment; the latter was exported in kind for their sales in Europe. The senior servants had a certain share of emolument allotted to them from a commission on the Revenues. The junior servants were rigorously confined to salaries, on which they were unable to

subsist according to their rank. They were strictly ordered to abstain from all dealing in objects of internal commerce. Those of export and import were left open to young men without mercantile experience, and wholly unprovided with mercantile capitals; but abundantly furnished with large trusts of the Publick money, and with all the powers of an absolute government. In this situation, a religious abstinence from all illicit gain was prescribed to men at nine thousand miles distance from the seat of the Supreme Authority.

Your Committee is far from meaning to justify, or even to excuse, the oppressions and cruelties used by many in supplying the deficiencies of their regular allowances by all manner of extortion. But many smaller irregularities may admit some alleviation from thence. Nor does Your Committee mean to express any desire of reverting to the mode (contrived in India, but condemned by the Directors) of rewarding the servants of an higher class by a regulated monopoly. Their object is to point out the deficiencies in the system, by which restrictions were laid, that could have little or no effect whilst want and power were suffered to be united.

But the proceedings of the Directors at that time, though not altogether judicious, were in many respects honourable to them, and favourable, in the intention at least, to the country they governed.

For

For finding their trading capital employed against themselves and against the natives, and struggling in vain against abuses, which were inseparably connected with the system of their own preference in trade, in the year 1773 they came to the manly resolution of setting an example to their servants, and gave up all use of power and influence in the two grand articles of their Investment, silk and piece-goods. They directed that the articles should be bought at an equal and publick market from the native merchants; and this order they directed to be published in all the principal marts of Bengal.

Your Committee are clearly of opinion, that no better method of purchase could be adopted. But it soon appeared, that in deep-rooted and inveterate abuses the wisest principles of reform may be made to operate so destructively, as wholly to discredit the design, and to dishearten all persons from the prosecution of it. The Presidency, who seemed to yield with the utmost reluctance to the execution of these orders, soon made the Directors feel their evil influence upon their own Investment. For they found the silk and cotton cloths rose twenty-five per cent. above their former price, and a further rise of forty per cent. was announced to them.

SILK.

WHAT happened with regard to raw Silk is still more remarkable, and tends still more clearly to illustrate the effects of commercial servitude during its unchecked existence, and the consequences, which may be made to arise from its sudden reformation. On laying open the trade, the article of raw silk was instantly enhanced to the Company full eighty per cent. The contract for that commodity, wound off in the Bengal method, which used to sell for less than six rupees, or thirteen shillings for two pounds weight, arose to nine rupees, or near twenty shillings, and the filature silk was very soon after contracted for at fourteen.

The Presidency accounted for this rise by observing, that the price had before been *arbitrary*, and that the persons, who purveyed for the Company, paid no more than "what was *judged* sufficient for the maintenance of the first providers." This fact explains, more fully than the most laboured description can do, the dreadful effects of the monopoly on the cultivators. They had the *sufficiency* of their maintenance measured out by the judgment of those, who were to profit by their labour; and this measure was not a great deal more, by their own account, than about two thirds

of

of the value of that labour. In all probability it was much less, as these dealings rarely passed through intermediate hands without leaving a considerable profit. These oppressions, it will be observed, were not confined to the Company's share, which however covered a great part of the trade; but as this was an article permitted to the servants, the same power of arbitrary valuation must have been extended over the whole, as the market must be equalised, if any authority at all is extended over it by those, who have an interest in the restraint. The price was not only raised, but in the manufactures the quality was debased nearly in an equal proportion. The Directors conceived, with great reason, that this rise of price, and debasement of quality, arose not from the effect of a free market, but from the servants having taken that opportunity of throwing upon the market of their masters the refuse goods of their own private trade at such exorbitant prices, as by mutual connivance they were pleased to settle. The mischief was greatly aggravated by its happening at a time when the Company were obliged to pay for their goods with bonds bearing an high interest.

The perplexed system of the Company's concerns, composed of so many opposite movements and contradictory principles, appears no where in a more clear light. If trade continued under restraint, their territorial Revenues must suffer by

checking the general prosperity of the country: if they set it free, means were taken to raise the price and debase the quality of the goods; and this again fell upon the Revenues, out of which the payment for the goods was to arise. The observations of the Company on that occasion are just and sagacious; and they will not permit the least doubt concerning the policy of these unnatural trades. "The amount of our Bengal cargoes, from "1769 to 1773, is 2,901,194 pounds Sterling, and "if the average increase of price be estimated at "twenty-five per cent. only, the amount of such "increase is 725,298 pounds Sterling." "The "above circumstances are exceedingly alarming "to us; but what must be our concern to find by "the advices of our President and Council of 1773, "that a further advance of forty per cent. on Ben-"gal goods was expected, and allowed to be the "consequence of advertisements then published, "authorizing a free trade in the service?" "We "find the Duanné Revenues are in general farmed "for five years, and the aggregate increase esti-"mated at only 183,170 pounds Sterling (on a "supposition that such increase will be realized); "yet if the annual Investment be sixty lacks, and "the advance of price thirty per cent. only, such "advance will *exceed the increase of the Revenue* "*by no less than* 829,330 *pounds Sterling*."

The indignation, which the Directors felt at being reduced

reduced to this distressing situation, was expressed to their servants in very strong terms. They attributed the whole to their practices, and say, "we "are far from being convinced that the competi- "tion, which tends to raise the price of goods in "Bengal, is wholly between publick European "Companies, or between Merchants in general, "who export to foreign markets: we are rather of "opinion, that the sources of this grand evil have "been the extraordinary privileges granted to in- "dividuals in our service, or under our license, to "trade without restriction throughout the pro- "vinces of Bengal; and the encouragement they "have had to extend their trade to the uttermost, "even in such goods as were proper for our Invest- "ment, by observing the success of those persons, "who have from time to time *found means to dis- "pose of their merchandise to our Governour and "Council*, though of so bad a quality as to be sold "here with great difficulty, after having been fre- "quently refused, and put up at the next sale "without price, to the very great discredit and "disadvantage of the Company." In all probability the Directors were not mistaken; for, upon an inquiry instituted soon after, it was found that Cantû Babû, the Banian, or Native steward and manager to Mr. Hastings (late President) held two of these contracts in his own name and that of his son for considerably more than £. 150,000. This discovery

discovery brought on a prohibition from the Court of Directors of that suspicious and dangerous dealing in the stewards of persons in high office. The same man held likewise farms to the amount of £. 140,000 a year of the Landed Revenue, with the same suspicious appearance, contrary to the regulations made under Mr. Hastings's own administration.

In the mortifying dilemma, to which the Directors found themselves reduced, whereby the ruin of the Revenues either by the freedom or the restraint of trade was evident, they considered the first as most rapid and urgent; and therefore once more revert to the system of their ancient pre-emption, and destroy that freedom, which they had so lately and with so much solemnity proclaimed, and that before it could be abused or even enjoyed. They declare, that "unwilling as we are to return "to the *former coercive system* of providing an "Investment, or to abridge that freedom of com-"merce, which has been so lately established in "Bengal, yet at the same time finding it our indis-"pensable duty to strike at the *root* of an evil, "which has been so severely felt by the Company, "and which can no longer be supported, we hereby "direct that all persons whatever in the Com-"pany's service, *or under our protection*, be abso-"lutely prohibited, by publick advertisement, from "trading in any of those articles, which compose

"our

" our Investment, directly or indirectly, except on " account of and for the East-India Company, " until their Investment is completed."

As soon as this order was received in Bengal, it was construed, as indeed the words seemed directly to warrant, to exclude all natives, as well as servants, from the trade, until the Company was supplied. The Company's pre-emption was now authoritatively re-established, and some feeble and ostensible regulations were made to relieve the weavers, who might suffer by it. The Directors imagined that the re-establishment of their coercive system would remove the evil, which fraud and artifice had grafted upon one more rational and liberal. But they were mistaken; for it only varied, if it did so much as vary, the abuse. The servants might as essentially injure their interest by a direct exercise of their power, as by pretexts drawn from the freedom of the natives; but with this fatal difference, that the frauds upon the Company must be of shorter duration under a scheme of freedom. That state admitted, and indeed led to means of discovery and correction, whereas the system of coercion was likely to be permanent. It carried force further than served the purposes of those, who authorized it; it tended to cover all frauds with obscurity, and to bury all complaint in despair. The next year therefore, that is in the year 1776, the Company, who complained that their orders had

had been extended beyond their intentions, made a third revolution in the trade of Bengal. It was set free again; so far at least as regarded the native merchants; but in so imperfect a manner, as evidently to leave the roots of old abuses in the ground. The Supreme Court of Judicature about this time (1776) also fulminated a charge against monopolies, without any exception of those authorized by the Company. But it does not appear that any thing very material was done in consequence of it.

The trade became nominally free; but the course of business, established in consequence of coercive monopoly, was not easily altered. In order to render more distinct the principles, which led to the establishment of a course and habit of business, so very difficult to change, as long as those principles exist, Your Committee think it will not be useless here to enter into the history of the regulations made in the first and favourite matter of the Company's Investment, the trade in *raw Silk*, from the commencement of these regulations to the Company's, perhaps, finally abandoning all share in the trade, which was their object.

RAW SILK.

THE trade in *raw Silk* was at all times more popular in England than really advantageous to the Company. In addition to the old jealousy, which prevailed between the Company and the Manufactory Interest of England, they came to labour under no small odium on account of the distresses of India. The Publick in England perceived, and felt with a proper sympathy, the sufferings of the Eastern Provinces in all cases, in which they might be attributed to the abuses of power exercised under the Company's authority. But they were not equally sensible to the evils, which arose from a system of sacrificing the being of that country to the advantage of this. They entered very readily into the former, but with regard to the latter were slow and incredulous. It is not therefore extraordinary, that the Company should endeavour to ingratiate themselves with the Publick by falling in with its prejudices. Thus they were led to increase the grievance in order to allay the clamour. They continued still, upon a larger scale, and still more systematically, that plan of conduct, which was the principal, though not the most blamed, cause of the decay and depopulation of the country committed to their care.

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With that view, and to furnish a cheap supply of materials to the manufactures of England, they formed a scheme, which tended to destroy, or at least essentially to impair, the whole manufacturing interest of Bengal. A policy of that sort could not fail of being highly popular; when the Company submitted itself as an instrument for the improvement of British manufactures, instead of being their most dangerous rival, as heretofore they had been always represented.

They accordingly notified to their Presidency in Bengal, in their letter of the 17th of March 1769, that "there was no branch of their trade they more "ardently wish to extend, than that of raw Silk." They disclaim, however, all desire of employing compulsory measures for that purpose, but recommended every mode of encouragement, and particularly by augmented wages, "*in order to induce* "*Manufacturers of wrought Silk to quit that* "*branch, and take to the winding of raw Silk.*"

Having thus found means to draw hands from the manufacture, and confiding in the strength of a capital drawn from the Publick Revenues, they pursue their ideas from the purchase of their manufacture to the purchase of the material in its crudest state. "We recommend you to give an "*increased price*, if necessary, *so as to take that* "*trade out of the hands of other Merchants and* "*rival Nations.*" A double bounty was thus given

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against the manufactures, both in the labour and in the materials.

It is very remarkable in what manner their vehement pursuit of this object led the Directors to a speedy oblivion of those equitable correctives, before interposed by them, in order to prevent the mischiefs, which were apparent in the scheme, if left to itself. They could venture so little to trust to the bounties given from the Revenues, a trade, which had a tendency to dry up their source, that, by the time they had proceeded to the 33d paragraph of their letter, they revert to those very compulsory means, which they had disclaimed but three paragraphs before. To prevent silk-winders from working in their private houses, where they might work for private traders, and to confine them to the Company's factories, where they could only be employed for the Company's benefit, they desire that the newly-acquired power of Government should be effectually employed: "should (say they) "this practice, through *inattention*, have been suf-"fered to take place again, it will be proper to put "a stop to it, which may *now be more effectually* "*done by an absolute prohibition, under severe pe-*"*nalties, by the authority of Government.*"

This letter contains a perfect plan of policy, both of compulsion and encouragement, which must, in a very considerable degree, operate destructively to the manufactures of Bengal. Its effect must be

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(so far as it could operate without being eluded) to change the whole face of that industrious country, in order to render it a field for the produce of crude materials subservient to the manufactures of Great Britain. The manufacturing hands were to be seduced from their looms by high wages, in order to prepare a raw produce for our market; they were to be locked up in the factories; and the commodity acquired by these operations was, in this immature state, carried out of the country, whilst its looms would be left without any material but the debased refuse of a market enhanced in its price, and scanted in its supply. By the increase of the price of this and other materials, manufactures, formerly the most flourishing, gradually disappeared under the protection of Great Britain, and were seen to rise again and flourish on the opposite coast of India under the dominion of the Mahrattas.

These restraints and encouragements seem to have had the desired effect in Bengal with regard to the diversion of labour from manufacture to materials. The trade of raw Silk increased rapidly. But the Company very soon felt, in the increase of price, and debasement of quality of the wrought goods, a loss to themselves, which fully counterbalanced all the advantages to be derived to the nation from the increase of the raw commodity. The necessary effect on the Revenue was also foretold very early. For their servants in the principal

Silk-

Silk-factories declared, that the obstruction to the private trade in Silk must in the end prove detrimental to the Revenues, *and that the* Investment clashes with the collection of these Revenues. Whatsoever, by bounties or immunities, is encouraged out of a Landed Revenue, has certainly some tendency to lessen the net amount of that Revenue, and to forward a produce, which does not yield to the gross collection rather than one, that does.

The Directors declare themselves unable to understand how this could be. Perhaps it was not so difficult. But, pressed as they were by the greatness of the payments, which they were compelled to make to Government in England, the cries of Bengal could not be heard among the contending claims of the General Court, of the Treasury, and of Spital Fields. The speculation of the Directors was originally fair and plausible (so far as the mere encouragement of the commodity extended). Situated as they were, it was hardly in their power to stop themselves in the course they had begun. They were obliged to continue their resolution, at any hazard increasing the Investment. "The state "of our affairs (say they) requires the utmost ex- "tension of your Investments. You are not to "forbear sending even those sorts, *which are at-* "*tended with loss,* in case such should be necessary "to supply an Investment to as great an amount "as *you can provide from your own resources;* and

"we

" we have not the least doubt of your being thereby " enabled to increase your consignments of this " valuable branch of national commerce, even to " the utmost of your wishes. But it is our positive " order, that no part of such Investment be pro- " vided with borrowed money, which is to be re- " paid by *draughts upon our Treasury in London*; " since the license, which has already been taken " in this respect, has involved us in difficulties, " which we yet know not how we shall surmount."

This very instructive paragraph lays open the true origin of the internal decay of Bengal. The trade and revenues of that country were (as the then system must necessarily have been) of secondary consideration at best. Present supplies were to be obtained, and present demands in England were to be avoided, at every expense to Bengal.

The spirit of increasing the Investment from Revenue at any rate, and the resolution of driving all competitors, Europeans or Natives, out of the market, prevailed at a period still more early, and prevailed not only in Bengal, but seems, more or less, to have diffused itself through the whole sphere of the Company's influence. In 1768 they gave to the Presidency of Madras the following memorable Instruction, strongly declaratory of their general system of policy.

" We shall depend upon your prudence (say " they) to discourage foreigners; and, being intent,

"as you have been repeatedly acquainted, on "bringing home as great a part of the Revenues "as possible in your manufactures, the out-bidding "them in those parts, where they interfere with "you, would certainly prove an effectual step for "answering that end. We therefore recommend "it to you to offer such increase of price as you "shall deem may be consistently given; that by "beating them out of the market the quantities "by you to be provided may be proportionably "enlarged; and if you take this method, it is to "be so cautiously practised as not to enhance the "prices in the places immediately under your "control. On this subject we must not omit the "approval of your prohibiting the weavers of "Cuddalore from making up any cloth of the same "sortments, that are provided for us; and if such "prohibition is not now, it should by all means be "in future, *made general, and strictly maintained.*"

This system must have an immediate tendency towards disordering the trade of India, and must finally end in great detriment to the Company itself. The effect of the restrictive system on the weaver is evident. The authority given to the servants to buy at an advanced price did of necessity furnish means and excuses for every sort of fraud in their purchases. The instant the servant of a merchant is admitted, on his own judgment, to overbid the market, or to send goods to his master, which shall

sell at loss, there is no longer any standard, upon which his unfair practices can be estimated, or any effectual means, by which they can be restrained. The hope, entertained by the Directors, of confining this destructive practice of giving an enhanced price to a particular spot must ever be found totally delusive. Speculations will be affected by this artificial price in every quarter, in which markets can have the least communication with each other.

In a very few years the Court of Directors began to feel, even in Leadenhall-street, *the effects of trading to loss* upon the Revenues, especially on those of Bengal.

In the letter of February 1774 they observe, that, "looking back to their accounts for the four "preceding years, on several of the descriptions "of silk there has been an *increasing loss*, instead "of any alteration for the better in the last year's "productions. This (they say) threatens the de- "struction of that valuable branch of national "commerce." And then they recommend *such regulations* (as if regulations in that state of things could be of any service) as may obtain "a profit "in future, instead of so considerable a loss, which "*we can no longer sustain.*"

Your Committee thought it necessary to inquire into the losses, which had actually been suffered by this unnatural forced trade; and find the loss, so early as the season of 1776, to be £. 77,650; that

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in the year 1777 it arose to £. 168,205. This was so great, that worse could hardly be apprehended; however, in the season of 1778 it amounted to £. 255,070. In 1779 it was not so ruinously great, because the whole import was not so considerable; but it still stood enormously high; so high as £. 141,800. In the whole four years it came to £. 642,725. The observations of the Directors were found to be fully verified. It is remarkable that the same article in the China trade produced a considerable and uniform profit. On this circumstance little observation is necessary.

During the time of their struggles for enlarging this losing trade, which they considered as a national object, what in one point of view it was, and if it had not been grossly mis-managed, might have been in more than one;—in this part it is impossible to refuse to the Directors a very great share of merit; no degree of thought, of trouble, or of reasonable expense, was spared by them for the improvement of the commodity. They framed with diligence, and apparently on very good information, a code of manufacturing regulations for that purpose; and several persons were sent out, conversant in the Italian method of preparing and winding silk; aided by proper machines for facilitating and perfecting the work. This, under proper care, and in course of time, might have produced a real improvement to Bengal; but, in the first instance, it

naturally drew the business from native management, and it caused a revulsion from the trade and manufactures of India, which led as naturally and inevitably to an European monopoly, in some hands or other, as any of the modes of coercion, which were or could be employed. The evil was present and inherent in the act. The means of letting the natives into the benefit of the improved system of produce was likely to be counteracted by the general ill conduct of the Company's concerns abroad. For a while at least it had an effect still worse; for the Company purchasing the raw cocoon, or silk-pod, at a fixed rate, the first producer, who, whilst he could wind at his own house, employed his family in this labour, and could procure a reasonable livelihood by buying up the cocoons for the Italian filature, now incurred the enormous and ruinous loss of fifty per cent. This appears in a letter to the Presidency, written by Mr. Boughton Rouse, now a Member of Your Committee. But, for a long time, a considerable quantity of that in the old Bengal mode of winding was bought for the Company from Contractors, and it continues to be so bought to the present time; but the Directors complain, in their letter of the 12th of May 1780, that both species, particularly the latter, had risen so extravagantly, that it was become more than forty per cent. dearer than it had been fifteen years ago. In that state of price they condemn their servants,

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very justly, for entering into contracts for three years; and that for several kinds of silk, of very different goodness, upon averages unfairly formed, where the commodities, averaged at an equal price, differed from twenty to thirty per cent. on the sale. Soon after, they formed a regular scale of fixed prices, above which they found they could not trade without loss.

Whilst they were continuing these methods to secure themselves against future losses, the Bengal ships, which arrived in that year, announced nothing but their continuance. Some articles by the high price, and others from their ill quality, were such "as never could answer to be sent to Europe "at any price." The Directors renew their prohibition of making fresh contracts, the present being generally to expire in the year 1781. But this trade, whose fundamental policy might have admitted of a doubt, as applied to Bengal (whatever it might have been with regard to England), was now itself expiring in the hands of the Company, so that they were obliged to apply to Government for power to enlarge their capacity of receiving Bills upon Europe. The purchase by these bills they entirely divert from raw Silk, and order to be laid out wholly in piece-goods.

Thus, having found by experience that this trade, whilst carried on upon the old principles (of whatever advantage it might have been to the

British manufacturers, or to the individuals, who were concerned in it in Bengal) had proved highly detrimental to the Company, the Directors resolved to expunge the raw Silk from their Investment. They gave up the whole to private traders, on condition of paying the freight, charges, and duties; permitting them to send it to Europe in the Company's ships upon their own account.

The whole of this history will serve to demonstrate, that all attempts, which in their original system, or in their necessary consequences, tend to the distress of India, must, and in a very short time will, make themselves felt even by those, in whose favour such attempts have been made. India may possibly, in some future time, bear and support itself under an extraction of measure or of goods; but much care ought to be taken that the influx of wealth shall be greater in quantity, and prior in time to the waste.

On abandoning the trade in silk to private hands, the Directors issued some prohibitions to prevent monopoly; and they gave some directions about the improvement of the trade. The prohibitions were proper, and the directions prudent; but it is much to be feared, that whilst all the means, instruments, and powers remain, by which monopolies were made, and through which abuses formerly prevailed, all verbal orders will be fruitless.

This branch of trade being so long principally managed

managed by the Company's servants for the Company, and under its authority, cannot be easily taken out of their hands, and pass to the natives, especially when it is to be carried on without the control naturally inherent in all participation. It is not difficult to conceive how this forced preference of traffick in a raw commodity must have injured the manufactures, while it was the policy of the Company to continue the trade on their own account. The servants, so far from deviating from their course, since they have taken the trade into their own management, have gone much further into it. The proportion of raw silk in the Investment is to be augmented. The proportion of the whole cargoes for the year 1783, divided into sixteen parts, is ten of raw Silk, and six only of manufactured goods. Such is the proportion of this losing article in the scheme for the Investment of private fortunes.

In the reformed scheme of sending the Investment on account of the Company, to be paid in bills upon Europe, no mention is made of any change of these proportions. Indeed some limits are attempted on the article of silk, with regard to its price; and it is not improbable that the price to the master and the servant will be very different; but they cannot make profitable purchases of this article without strongly condemning all the former purchases of the Board of Trade.

CLOTHS, OR PIECE-GOODS.

THE general system above stated, relative to the Silk trade, must materially have affected the manufactures of Bengal, merely as it was a system of preference. It does by no means satisfactorily appear to Your Committee, that the freedom held out by the Company's various Orders has been ever fully enjoyed, or that the grievances of the native merchants and manufacturers have been redressed. For we find on good authority, that at that very period, at which it might be supposed that these orders had their operation, the oppressions were in full vigour. They appear to have fallen heaviest on the City of Dacca, formerly the great staple for the finest goods in India; a place once full of opulent merchants and dealers of all descriptions.

The city and district of Dacca, before the prevalence of the East-India Company's influence and authority, manufactured annually to about three hundred thousand pounds value in cloths. In the year 1776 it had fallen to about two hundred thousand, or two thirds of its former produce. Of this the Company's demand amounted only to a fourth part, that is, about fifty thousand pounds yearly. This was at that time provided by agents

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for the Company, under the inspection of their commercial servants. On pretence of securing an advantage for this fourth part for their masters, they exerted a most violent and arbitrary power over the whole. It was asserted, that they fixed the Company's mark to such goods as they thought fit, (to all goods, as stated in one complaint,) and disposed of them as they thought proper, excluding not only all the native dealers, but the Dutch Company, and private English merchants: that they made advances to the weavers, often beyond their known ability, to repay in goods within the year; and by this means, having got them in debt, held them in perpetual servitude. Their inability to keep accounts left them at the discretion of the Agents of the supreme power to make their balances what they pleased, and they recovered them not by legal process, but by seizure of their goods, and arbitrary imprisonment of their persons. One and the same dealer made the advance, valued the return, stated the account, passed the judgment, and executed the process.

Mr. Rouse, Chief of the Dacca province, who struggled against those evils, says, that in the year 1773 there were no balances due, as the trade was then carried on by the native brokers. In less than three years these balances amounted to an immense sum; a sum lost to the Company, but existing in full force for every purpose of oppression. In the amount

amount of these balances almost every weaver in the country bore a part, and consequently they were almost all caught in this snare. "They are "in general" (says Mr. Rouse, in a letter to General Clavering, delivered to Your Committee) "a timid helpless people; many of them poor to "the utmost degree of wretchedness; incapable of "keeping accounts; industrious as it were by in-"stinct; unable to defend themselves if oppressed; "and satisfied, if with continual labour they derive "from the fair dealing and humanity of their em-"ployer a moderate subsistence for their families."

Such were the people, who stood accused by the Company's agents as *pretending* grievances, in order to be excused the payment of their balances. As to the commercial state of the province in general, Mr. Rouse represents it "to be for these two years "a perpetual scene of complaint and disputation: "——the Company's agents professing to pay "higher rates to weavers, whilst the Leadenhall "sales showed an heavy loss to the Company. "The weavers have even travelled in multitudes "to prefer their complaints at the Presidency. "The amount of the Investment comparatively "small, with balances comparatively large; and, "as I understand, generally contested by the "weavers. The native merchants, called *Delâls*, "removed from their influence, as prejudicial "to the Company's concerns; and European

"merchants

" merchants complaining against undue influence of " the Company's commercial agents, in preventing " the free purchase even of those goods, which the " Company never takes."

The spirit of those agents will be fully comprehended from a state of the proceedings before Mr. Rouse and Counsel, on the complaint of a Mr. Cree, an English free merchant at Dacca, who has been twice treated in the same injurious manner by the agents of Mr. Hurst, the commercial Chief at that place. On his complaint to the Board of the seizure of the goods, and imprisonment of his agents, Mr. Hurst was called upon for an explanation. In return he informed them, that he had sent to one of the villages to inquire concerning the matter of fact alleged. The impartial person, sent to make this inquiry, was the very man accused of the oppressions, into which he was sent to examine. The answer of Mr. Hurst is in an high and determined tone. He does not deny, that there are some instances of abuse of power. " But I ask," (says he) " what *authority* can guard against the conduct of " individuals; but that a *single* instance cannot be " brought of a general depravity." Your Committee have reason to believe these coercive measures to have been very general, though employed according to the degree of resistance opposed to the monopoly; for we find at one time the whole trade of the Dutch involved in the general servitude.

vitude. But it appears very extraordinary that nothing but the actual proof of a *general* abuse could affect a practice, the very principle of which tends to make the coercion as general as the trade. Mr. Hurst's reflection concerning the abuse of *authority* is just; but in this case it is altogether inapplicable, because the complaint was not of the abuse, but of the use of authority in matters of trade, which ought to have been free. He throws out a variety of invidious reflections against the Council, as if they wanted zeal for the Company's service; his justification of his practices, and his declaration of his resolution to persevere in them, are firm and determined; asserting the right and policy of such restraints, and laying down a rule for his conduct at the factory, which, he says, will give no cause of just complaint to private traders. He adds, "I "have no doubt but that they have hitherto pro- "vided Investments, and it cannot turn to my in- "terest to preclude them *now*, though I must ever "think it my duty to combat the private views of "individuals, who *set themselves up as competitors* "under that very body, under whose license and "indulgence only they can derive their privilege of "trade: all I contend for is the *same influence* my "employers have ever had." He ends by declining any reply to any of their future references of this nature.

The whole of this extraordinary letter is inserted

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in the Appendix, N° 51; and Mr. Rouse's Minute of Observations upon it in Appendix, N° 52, fully refuting the few pretexts alleged in that extraordinary performance in support of the trade by influence and authority. Mr. Holland, one of the Counsel, joined Mr. Rouse in opinion, that a letter to the purport of that Minute should be written; but they were overruled by Messrs. Purling, Hogarth, and Shakespeare, who passed a Resolution to defer sending any reply to Mr. Hurst, and none was ever sent. Thus they gave countenance to the doctrine contained in that letter, as well as to the mischievous practices, which must inevitably arise from the exercise of such power. Some temporary and partial relief was given by the vigorous exertions of Mr. Rouse; but, he shortly after removing from that government, all complaints were dropped.

It is remarkable, that, during the long and warm contest between the Company's agents and the dealers of Dacca, the Board of Trade seem to have taken a decided part against the latter. They allow some sort of justice in the complaints of the manufacturers with regard to low valuation, and other particulars: but they say, that, "although, "(during the time of pre-emption) it appears that "the weavers *were not allowed the same liberty of* "*selling to individuals they before enjoyed*, our "opinion on the whole is, that these complaints "have originated upon the premeditated designs

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" of the delâls [factors or brokers] *to thwart the* " *new mode* of carrying on the Company's business, " *and to render themselves necessary.*" They say in another place, that there is no ground for the dissatisfactions and difficulties of the weavers; " that " they are owing to the delâls, *whose aim it is to be* " *employed.*"

This desire of being employed, and of rendering themselves necessary, in men, whose only business it is to be employed in trade, is considered by the gentlemen of the Board as no trivial offence; and accordingly they declare, " they have established " it as *an invariable rule*, that, *whatever deficiency* " there might be in the Dacca Investment, no pur- " chase of the manufactures of *that quarter* shall " be made for account of the Company from pri- " vate merchants. We have passed this Resolu- " tion, which we deem of importance, from a per- " suasion, that private merchants are often *induced* " to make advances for Dacca goods, not by the " ordinary chance of sale, but merely from an ex- " pectation of disposing of them at an enhanced " price to the Company, against *whom a rivalship* " is by this manner encouraged;" and they say, " that they intend to observe the *same* rule with " respect to the Investment of other of the facto- " ries, from whence similar complaints may come."

This positive rule is opposed to the positive directions of the Company to employ those obnoxious

obnoxious persons by preference. How far this violent use of authority, for the purpose of destroying rivalship, has succeeded in reducing the price of goods to the Company, has been made manifest by the facts before stated in their place.

The recriminatory charges of the Company's agents on the native merchants have made very little impression on Your Committee. We have nothing in favour of them, but the assertion of a party powerful and interested. In such cases of mutual assertion and denial, Your Committee are led irresistibly to attach abuse to power, and to presume that suffering and hardship are more likely to attend on weakness, than that any combination of unprotected individuals is of force to prevail over influence, power, wealth, and authority. The complaints of the native merchants ought not to have been treated in any of those modes, in which they were then treated. And when men are in the situation of complainants against unbounded power, their abandoning their suit is far from a full and clear proof of their complaints being groundless. It is not because redress has been rendered impracticable, that oppression does not exist; nor is the despair of sufferers any alleviation of their afflictions. A review of some of the most remarkable of the complaints made by the native merchants in that province is so essential for laying open the true spirit of the commercial administration, and the real condition

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of those concerned in trade there, that Your Committee, observing the records on this subject, and at this period, full of them, could not think themselves justifiable in not stating them to the House.

Your Committee have found many heavy charges of oppression against Mr. Barwell, whilst factory-chief at Dacca; which oppressions are stated to have continued, and even to have been aggravated on complaint at Calcutta. These complaints appear in several Memorials presented to the Supreme Council of Calcutta, of which Mr. Barwell was a member. They appeared yet more fully and more strongly in a Bill in Chancery, filed in the Supreme Court, which was afterwards recorded before the Governour-General and Council, and transmitted to the Court of Directors.

Your Committee, struck with the magnitude and importance of these charges, and finding that with regard to those before the Council no regular investigation has ever taken place; and finding also that Mr. Barwell had asserted, in a Minute of Council, that he had given a full answer to the allegations in that Bill, ordered a copy of the answer to be laid before Your Committee, that they might be enabled to state to the House, how far it appeared to them to be full; how far the charges were denied as to the fact; or, where the facts might be admitted, what justification was set up. It appeared necessary, in order to determine on the true situation

situation of the trade and the merchants of that great city and district.

'The Secretary to the Court of Directors has informed Your Committee, that no copy of the answer is to be found in the India House; nor has Your Committee been able to discover that any has been transmitted. On this failure, Your Committee ordered an application to be made to Mr. Barwell for a copy of his answer to the Bill, and any other information, with which he might be furnished with regard to that subject.

'Mr. Barwell, after reciting the above letter, returned in answer what follows:

"Whether the Records of the Supreme Court "of Judicature are lodged at the India House, I "am ignorant, but on those Records my answer is "certainly to be found. At this distance of time, "I am sorry I cannot from memory recover the "circumstances of this affair; but this I know, "that the Bill did receive a complete answer, and "the people the fullest satisfaction; nor is it ne- "cessary for me to remark on the state of parties "at that time in Bengal, could party have brought "forward any particle of that Bill, supported by "any verified fact. The principle, that intro- "duced it in the proceedings of the Governour- "General and Council, would likewise have given "the verification of that one circumstance, what- "ever that might have been. As I generally

" attend in my place in the House, I shall with
" pleasure answer any invitation of the gentlemen
" of the Committee to attend their investigations
" up stairs, with every information and light in my
" power to give them."

St. James's-square,
15th April, 1783.

Your Committee considered, that with regard to the matter, charged in the several petitions to the Board, no sort of specifick answer had been given at the time and place where they were made, and when and where the parties might be examined and confronted. It was considered also, that the Bill had been transmitted with other papers relating to the same matter to the Court of Directors with the knowledge and consent of Mr. Barwell; and that he states, that his answer had been filed, and no proceedings had upon it for eighteen months. In that situation it was thought something extraordinary, that no care was taken by him to transmit so essential a paper as his answer, and that he had no copy of it in his hands.

Your Committee, in this difficulty, thought themselves obliged to decline any verbal explanation from the person, who is defendant in the suit, relative to matters, which on the part of the complainant appear upon record, and to leave the whole matter, as it is charged, to the judgment of the

House

House to determine how far it may be worthy of a further inquiry, or how far they may admit such allegations as Your Committee could not think themselves justified in receiving.

To this effect Your Committee ordered a letter to be written to Mr. Barwell; from whom they received the following answer:

" Sir,

" In consequence of your letter of the 17th, I " must request the favour of you to inform the " Select Committee, that I expect from their jus- " tice, on any matter of publick record, in which " I am personally to be brought forward to the " notice of the House, that they will at the same " time point out to the House what part of such " matter has been verified, and what parts have " not, nor ever were, attempted to be verified, " though introduced in debate, and entered on the " records of the Governour-General and Council " of Bengal. I am anxious the information should " be complete, or the House will not be competent " to judge; and if it is complete it will preclude " all explanation as unnecessary.

" I am, Sir,

" Your most obedient humble servant,

" Rich^d Barwell."

St. James's-square,
" 22d April 1783.

" P. S. As I am this moment returned from the

" country, I had it not in my power to be earlier " in acknowledging your letter of the 17th."

Your Committee applied to Mr. Barwell to communicate any papers, which might tend to the elucidation of matters before them, in which he was concerned. This he has declined to do. Your Committee conceive, that under the orders of the House they are by no means obliged to make a complete state of all the evidence, which may tend to criminate, or exculpate, every person, whose transactions they may find it expedient to report; this, if not specially ordered, has not hitherto been, as they apprehend, the usage of any Committee of this House. It is not for Your Committee, but for the discretion of the party, to call for, and for the wisdom of the House to institute, such proceedings as may tend finally to condemn or acquit. The reports of Your Committee are no charges, though they may possibly furnish *matter* for charge; and no representations or observations of theirs can either clear or convict on any proceeding, which may hereafter be grounded on the facts, which they produce to the House. Their opinions are not of a judicial nature. Your Committee has taken abundant care, that every important fact in their report should be attended with the authority for it, either in the course of their reflections, or in the Appendix; to report every thing upon every

subject

subject before them, which is to be found on the records of the Company, would be to transcribe, and in the event to print, almost the whole of those voluminous papers. The matter, which appears before them, is, in a summary manner, this:

The Dacca merchants begin by complaining, that in November 1773 Mr. Richard Barwell, then Chief of Dacca, had deprived them of their employment and means of subsistence; that he had extorted from them 44,224 Arcot rupees (£. 4,731.) by the terrour of his threats, by long imprisonment, and cruel confinement in the stocks; that afterwards they were confined in a small room near the factory gate, under a guard of Sepoys; that their food was stopped, and they remained starving a whole day; that they were not permitted to take their food till next day at noon, and were again brought back to the same confinement, in which they were continued for six days, and were not set at liberty until they had given Mr. Barwell's Banyan a certificate for forty thousand rupees; that in July 1774, when Mr. Barwell had left Dacca, they went to Calcutta to seek justice; that Mr. Barwell confined them in his house at Calcutta, and sent them back under a guard of Peons to Dacca; that in December 1774, on the arrival of the gentlemen from Europe, they returned to Calcutta, and preferred their complaint to the Supreme Court of Judicature.

The Bill in Chancery filed against Richard Barwell, John Shakespeare, and others, contains a minute specification of the various acts of personal cruelty, said to be practised by Mr. Barwell's orders, to extort money from these people. Among other acts of a similar nature he is charged with having ordered the Appraiser of the Company's cloths, who was an old man, and who asserts that he had faithfully served the Company above sixteen years without the least censure on his conduct, to be severely flogged without reason.

In the *manner* of confining the Delâls with ten of their servants, it is charged on him, that, "when "he first ordered them to be put into the stocks, "it was at a time when the weather was exceed-"ingly bad, and the rain very heavy, without al-"lowing them the least covering for their heads, "or any part of their body, or any thing to raise "them from the wet ground; in which condition "they were continued for many hours, until the "said Richard Barwell thought proper to remove "them into a far worse state, if possible, as if "studying to exercise the most cruel acts of barba-"rity on them, &c.—And that during their im-"prisonment they were frequently carried to, and "tortured in, the stocks, in the middle of the day, "when the scorching heat of the sun was insup-"portable, notwithstanding which they were denied "the least covering." These men assert that they had

had served the Company without blame for thirty years—a period commencing long before the power of the Company in India.

It was no slight aggravation of this severity that the objects were not young, nor of the lowest of the people, who might, by the vigour of their constitutions, or by the habits of hardship, be enabled to bear up against treatment so full of rigour. They were aged persons. They were men of a reputable profession.

The account given by these merchants of their first journey to Calcutta, in July 1774, is circumstantial and remarkable. They say, "that, on their "arrival, *to their astonishment, they soon learned,* "*that the Governour, who had formerly been vio-*"*lently enraged against the said Richard Barwell* "*for different improprieties in his conduct, was* "*now reconciled to him; and that, ever since there* "*was a certainty of His Majesty's appointments* "*taking place in India, from being the most inve-*"*terate enemies they were now become the most* "*intimate friends; and that this account soon* "*taught them to believe they were not any nearer* "*justice from their journey to Calcutta, than they* "*had been before at Dacca.*"

When this bill of complaint was, in 1776, laid before the Council, to be transmitted to the Court of Directors, Mr. Barwell complained of the introduction of such a paper, and asserted, *that he had*

answered to every particular of it on oath about eighteen months, and that, during this long period, no attempt had been made to controvert, refute, or even to reply to it.

He did not, however, think it proper to enter his answer on the records along with the bill, of whose introduction he complained.

On the declarations made by Mr. Barwell in his Minute (September 1776) Your Committee observe, that, considering him only as an individual under prosecution in a court of justice, it might be sufficient for him to exhibit his defence in the court where he was accused; but that, as a member of Government, specifically charged before that very Government with abusing the powers of his office in a very extraordinary manner, and for purposes (as they allege) highly corrupt and criminal, it appears to Your Committee hardly sufficient to say, that he had answered elsewhere. The matter was to go before the Court of Directors, to whom the question of his conduct in that situation, a situation of the highest power and trust, was as much at least a question of state, as a matter of redress to be solely left to the discretion, capacity, or perseverance of individuals. Mr. Barwell might possibly be generous enough to take no advantage of his eminent situation: but these unfortunate people would rather look to his power than his disposition. In general, a man so circumstanced, and so charged,

(though

(though we do not know this to be the case with Mr. Barwell) might easily contrive, by legal advantages, to escape. The plaintiffs being at a great distance from the seat of government, and possibly affected by fear or fatigue, or seeing the impossibility of sustaining with the ruins of fortunes never perhaps very opulent a suit against wealth, power, and influence, a compromise might even take place, in which circumstances might make the complainants gladly acquiesce. But the publick injury is not in the least repaired by the acquiescence of individuals, as it touched the honour of the very highest parts of Government. In the opinion of Your Committee some means ought to have been taken to bring the bill to a discussion on the merits; or, supposing that such decree could not be obtained by reason of any failure of proceeding on the part of the plaintiffs, some process, official or juridical, ought to have been instituted against them, which might prove them guilty of slander and defamation, in as authentick a manner as they had made their charge, before the Council as well as the Court.

By the determination of Mr. Hurst, and the resolutions of the Board of Trade, it is much to be apprehended that the native mercantile interest must be exceedingly reduced. The above-mentioned resolutions of the Board of Trade, if executed in their rigour, must almost inevitably accomplish

accomplish its ruin. The subsequent transactions are covered with an obscurity, which Your Committee have not been able to dispel. All, which they can collect, but that by no means distinctly, is, that as those, who trade for the Company in the articles of Investment, may also trade for themselves in the same articles, the old opportunities of confounding the capacities must remain; and all the oppressions, by which this confusion has been attended. The Company's Investments, as the general letter from Bengal of the 20th of November 1775, par. 28, states the matter, "are never at "a stand; advances are made, and goods are re- "ceived all the year round." Balances, the grand instrument of oppression, naturally accumulate on poor manufacturers, who are intrusted with money. Where there is not a vigorous rivalship not only tolerated but encouraged, it is impossible ever to redeem the manufacturers from the servitude induced by those unpaid balances.

No such rivalship does exist: the policy practised and avowed is directly against it. The reason assigned in the Board of Trade's letter of the 28th of November 1778, for its making their advances early in the season, is, to prevent the foreign merchants and private traders' *interfering* with the purchase of their (the Company's) assortments. "They also refer to the means taken to prevent "this interference in their letter of the 26th

" January 1779." It is impossible, that the small part of the trade should not fall into the hands of those, who with the name and authority of the governing persons have such extensive contracts in their hands. It appears in evidence, that natives can hardly trade to the best advantage (Your Committee doubt whether they can trade to any advantage at all) if not joined with or countenanced by British subjects. The Directors were, in 1775, so strongly impressed with this notion, and conceived the native merchants to have been even then reduced to so low a state, that, notwithstanding the Company's earnest desire of giving them a preference, they " doubt whether there are at this time " in Bengal native merchants possessed of pro- " perty adequate to such undertaking, or of credit " and responsibility sufficient to make it safe and " prudent to trust them with such sums as might " be necessary to enable them to fulfil their engage- " ments with the Company."

The effect, which so long continued a monopoly, followed by a pre-emption, and then by partial preferences supported by power, must necessarily have in weakening the mercantile capital, and disabling the merchants from all undertakings of magnitude, is but too visible. However, a witness of understanding and credit does not believe the capitals of the natives to be yet so reduced as to disable them from partaking in the trade, if they were otherwise

able to put themselves on an equal footing with Europeans.

The difficulties at the outset will however be considerable. For the long continuance of abuse has in some measure conformed the whole trade of the country to its false principle. To make a sudden change, therefore, might destroy the few advantages, which attend any trade, without securing those, which must flow from one established upon sound mercantile principles, whenever such a trade can be established. The fact is, that the forcible direction, which the trade of India has had towards Europe, to the neglect, or rather to the total abandoning, of the Asiatick, has of itself tended to carry even the internal business from the native merchant. The revival of trade in the native hands is of absolute necessity; but Your Committee is of opinion, that it will rather be the effect of a regular progressive course of endeavours for that purpose, than of any one regulation, however wisely conceived.

After this examination into the condition of the trade and traders in the principal articles provided for the Investment to Europe, Your Committee proceeded to take into consideration those articles, the produce of which, after sale in Bengal, is to form a part of the fund for the purchase of other articles of Investment, or to make a part of it in kind. These are, 1st, Opium; 2dly, Saltpetre; and, 3dly, Salt. These are all monopolized.

OPIUM.

THE first of the internal authorized monopolies is that of Opium. This drug, extracted from a species of the poppy, is of extensive consumption in most of the Eastern markets. The best is produced in the province of Bahar: in Bengal it is of an inferiour sort, though of late it has been improved. This monopoly is to be traced to the very origin of our influence in Bengal. It is stated to have begun at Patna so early as the year 1761, but it received no considerable degree of strength or consistence until the year 1765; when the acquisition of the Dûanny opened a wide field for all projects of this nature. It was then adopted, and owned as a resource for persons in office; was managed chiefly by the Civil Servants of the Patna factory, and for their own benefit. The policy was justified on the usual principles, on which monopolies are supported, and on some peculiar to the commodity, to the nature of the trade, and to the state of the country: the security against adulteration; the prevention of the excessive home consumption of a pernicious drug; the stopping an excessive competition, which by an over-proportioned supply would at length destroy the market abroad; the inability

inability of the cultivator to proceed in an expensive and precarious culture without a large advance of capital; and lastly, the incapacity of private merchants to supply that capital on the feeble security of wretched farmers.

These were the principal topicks, on which the monopoly was supported. The last topick leads to a serious consideration on the state of the country; for in pushing it the gentlemen argued, that, in case such private merchants should advance the necessary capital, the lower cultivators "*would get money* "*in abundance.*" Admitting this fact, it seems to be a part of the policy of this monopoly to prevent the cultivator from obtaining the natural fruits of his labour. Dealing with a private merchant he could not get *money in abundance,* unless his commodity could produce *an abundant* profit. Further reasons, relative to the peace and good order of the province, were assigned for thus preventing the course of trade from the equitable distribution of the advantages of the produce, in which the first, the poorest, and the most laborious producer ought to have his first share. The cultivators (they add) would squander part of the money, and not be able to complete their engagements to the full; law suits, and even battles, would ensue between the factors, contending for a deficient produce; and the farmers would discourage the culture of an object, which brought so much disturbance into their districts.

This

This competition, the operation of which they endeavour to prevent, is the natural corrective of the abuse, and the best remedy, which could be applied to the disorder, even supposing its probable existence.

Upon whatever reasons or pretences the monopoly of opium was supported, the real motive appears to be the profit of those, who were in hopes to be concerned in it. As these profits promised to be very considerable, at length it engaged the attention of the Company; and after many discussions, and various plans of application, it was at length taken for their benefit, and the produce of the sale ordered to be employed in the purchase of goods for their Investment.

In the year 1773 it had been taken out of the hands of the Council of Patna, and leased to two of the natives; but for a year only. The contractors were to supply a certain quantity of opium at a given price. Half the value was to be paid to those contractors in advance, and the other half on the delivery.

The proceedings on this contract demonstrated the futility of all the principles, on which the monopoly was founded. The Council, as a part of their plan, were obliged, by heavy duties, and by a limitation of the right of emption of foreign opium to the contractors for the home produce, to check the influx of that commodity from the territories of the

the Nabob of Oude, and the Rajah of Benares. In these countries no monopoly existed; and yet there the commodity was of such a quality and so abundant, as to bear the duty, and even with the duty in some degree to rival the monopolist even in his own market. There was no complaint in those countries of want of advances to cultivators, or of law suits and tumults among the factors; nor was there any appearance of the multitude of other evils, which had been so much dreaded from the vivacity of competition.'

On the other hand, several of the precautions inserted in this contract, and repeated in all the subsequent, strongly indicated the evils, against which it is extremely difficult, if not impossible, to guard a monopoly of this nature, and in that country. For in the first contract entered into with the two natives, it was strictly forbidden to compel the tenants to the cultivation of this drug. Indeed, very shocking rumours had gone abroad, and they were aggravated by an opinion universally prevalent, that even in the season immediately following that dreadful famine, which swept off one third of the inhabitants of Bengal, several of the poorer farmers were compelled to plough up the fields they had sown with grain, in order to plant them with poppies for the benefit of the engrossers of opium.' This opinion grew into a strong presumption, when it was seen that in the next year the produce of

opium

opium (contrary to what might be naturally expected in a year following such a dearth) was nearly doubled. It is true that, when the quantity of land necessary for the production of the largest quantity of opium is considered, it is not just to attribute that famine to these practices, nor to any, that were or could be used: yet, where such practices did prevail, they must have been very oppressive to individuals, extremely insulting to the feelings of the people, and must tend to bring great and deserved discredit on the British Government. The English are a people, who appear in India as a conquering nation; all dealing with them is therefore, more or less, a dealing with power. It is such when they trade on a private account; and it is much more so in any unauthorized monopoly, where the hand of Government, which ought never to appear but to protect, is felt as the instrument in every act of oppression. Abuses must exist in a trade and a revenue so constituted; and there is no effectual cure for them but to entirely cut off their cause.

Things continued in this train, until the great revolution in the Company's Government was wrought by the Regulating Act of the thirteenth of the King. In 1775 the new Council-General, appointed by the Act, took this troublesome business again into consideration. General Clavering, Colonel Monson and Mr. Francis expressed such

strong doubts of the propriety of this, and of all other monopolies, that the Directors, in their letter of the year following, left the Council at liberty to throw the trade open, under a duty, if they should find it practicable. But General Clavering, who most severely censured monopoly in general, thought that this monopoly ought to be retained; but for a reason, which shows his opinion of the wretched state of the country; for he supposed it impossible, with the power and influence, which must attend British subjects in all their transactions, that monopoly could be avoided; and he preferred an avowed monopoly, which brought benefit to Government, to a virtual engrossing, attended with profit only to individuals. But in this opinion he did not seem to be joined by Mr. Francis, who thought the suppression of this and of all monopolies to be practicable; and strongly recommended their abolition in a plan sent to the Court of Directors the year following.

Vide Mr. Francis's Plan, in Appendix, N° 14, to the Select Committee's 6th Report.

The Council, however, submitting to the opinion of this necessity, endeavoured to render that dubious engagement as beneficial as possible to the Company. They began by putting up the Contract to the highest bidder. The proposals were to be sealed. When the seals came to be opened, a very extraordinary scene appeared. Every step in this business develops more and more the effect of this junction of publick monopoly and private influence.

influence. Four English and eight natives were candidates for the Contract; three of the English far out-bid the eight natives. They, who consider that the natives from their superiour dexterity, from their knowledge of the country, and of business, and from their extreme industry, vigilance, and parsimony are generally an over-match for Europeans, and indeed are, and must ultimately be, employed by them in all transactions whatsoever, will find it very extraordinary that they did not by the best offers secure this dealing to themselves. It can be attributed to this cause, and this only, that they were conscious, that without power and influence to subdue the cultivators of the land to their own purposes they never could afford to engage on the lowest possible terms. Those, whose power entered into the calculation of their profits, could offer, as they did offer, terms without comparison better; and therefore one of the English bidders, without partiality, secured the preference.

The Contract to this first bidder, Mr. Griffiths, was prolonged from year to year; and as during that time frequent complaints were made by him to the Council Board, on the principle, that the years answered very differently, and that the business of one year ran into the other, reasons or excuses were furnished for giving the next Contract to Mr. Mackenzie for three years. This third Contract was not put up to auction as the second

had been, and as this ought to have been. The terms were indeed something better for the Company; and the engagement was subject to qualifications, which, though they did not remove the objection to the breach of the Company's orders, prevented the hands of the Directors from being tied up. A proviso was inserted in the Contract, that it should not be in any wise binding, if the Company by orders from home should alter the existing practice with regard to such dealing.

Whilst these things were going on, the evils, which this monopoly was, in show and pretence, formed to prevent, still existed; and those, which were naturally to be expected from a monopoly, existed too. Complaints were made of the bad quality of the opium; trials were made, and on those trials the opium was found faulty. An office of Inspection at Calcutta, to ascertain its goodness, was established; and directions given to the Provincial Councils at the places of growth to certify the quantity and quality of the commodity transmitted to the Presidency.

In 1776, notwithstanding an engagement in the Contract strictly prohibiting all compulsory culture of the poppy, information was given to a Member of the Council-General, that fields green with rice had been forcibly ploughed up to make way for that plant; and that this was done in the presence of several English gentlemen, who beheld the spectacle

spectacle with a just and natural indignation. The Board, struck with this representation, ordered the Council of Patna to make an inquiry into the fact; but Your Committee can find no return whatsoever to this order. The complaints were not solely on the part of the cultivators against the Contractor. The Contractor for opium made loud complaints against the inferiour collectors of the Landed Revenue, stating their undue and vexatious exactions from the cultivators of opium; their throwing these unfortunate people into prison upon frivolous pretences, by which the tenants were ruined, and the Contractor's advances lost. He stated, that, if the Contractor should interfore in favour of the cultivator, then a deficiency would be caused to appear in the Landed Revenues, and that deficiency would be charged on his interposition; he desired, therefore, that the cultivators of opium should be taken out of the general system of the Landed Revenue, and put under "his *protection.*" Here the effect naturally to be expected from the clashing of inconsistent revenues appeared in its full light, as well as the state of the unfortunate peasants of Bengal between such rival protectors; where the ploughman, flying from the tax-gatherer, is obliged to take refuge under the wings of the monopolist. No dispute arises amongst the English subjects, which does not divulge the misery of the natives; when

the former are in harmony all is well with the latter.

This monopoly, continuing and gathering strength through a succession of Contractors, and being probably a most lucrative dealing, grew to be every day a greater object of competition. The Council of Patna endeavoured to recover the Contract, or at least the agency, by the most inviting terms; and, in this eager state of mutual complaint and competition between private men and publick bodies things continued until the arrival in Bengal of Mr. Stephen Sulivan, son of Mr. Sulivan, Chairman of the East-India Company, which soon put an end to all strife and emulation.

To form a clear judgment on the decisive step taken at this period, it is proper to keep in view the opinion of the Court of Directors concerning monopolies, against which they had uniformly declared in the most precise terms; they never submitted to them but as to a present necessity,; it was therefore not necessary for them to express any particular approbation of a clause in Mr. Mackenzie's Contract, which was made in favour of their own liberty. Every motive led them to preserve it. On the security of that clause they could alone have suffered to pass over in silence (for they never approved) the grant of the Contract, which contained it, for three years. It must also be remembered,

remembered, that they had from the beginning positively directed that the Contract should be put up to publick auction; and this not having been done in Mr. Mackenzie's case, they severely reprimanded the Governour-General and Council in their letter of the 23d December 1778.

The Court of Directors were perfectly right in showing themselves tenacious of this regulation; not so much to secure the best practicable revenue from their monopoly whilst it existed, but for a much more essential reason, that is, from the corrective, which this method administered to that monopoly itself: it prevented the British Contractor from becoming doubly terrible to the natives, when they should see that his Contract was in effect *a grant*, and therefore indicated particular favour and private influence with the ruling members of an absolute Government.

On the expiration of Mr. Mackenzie's term, and but a few months after Mr. Sulivan's arrival, the Governour-General (as if the Contract was a matter of patronage, and not of dealing) pitched upon Mr. Sulivan as the most proper person for the management of this critical concern. Mr. Sulivan, though a perfect stranger to Bengal, and to that sort, and all sorts, of local commerce, made no difficulty of accepting it. The Governour-General was so fearful that his true motives in this business should be mistaken, or that the smallest suspicion

should arise of his attending to the Company's orders, that, far from putting up the Contract (which on account of its known profits had become the object of such pursuit) to *publick auction*, he did not wait for receiving so much as a *private proposal* from Mr. Sulivan. The Secretary perceived that in the rough draught of the Contract the old recital of a proposal to the Board was inserted as a matter of course, but was contrary to the fact: he therefore remarked it to Mr. Hastings. Mr. Hastings, with great indifference, ordered that recital to be *omitted*; and the omission with the remark, that led to it, has, with the same easy indifference, been sent over to his masters.

The Governour-General and Council declare themselves apprehensive that Mr. Sulivan might be a loser by his bargain upon account of troubles, which they supposed existed in the country, which was the object of it. This was the more indulgent, because the Contractor was tolerably secured against all losses. He received a certain price for his commodity; but he was not obliged to pay any certain price to the cultivator, who, having no other market than his, must sell it to him at his own terms. He was to receive half the yearly payment by *advance*; and he was not obliged to advance to the cultivator more than what he thought expedient: but if this should not be enough, he might (if he pleased) draw the *whole* payment before the total

total delivery: such were the terms of the engagement with him. He is a Contractor of a new species, who employs no capital whatsoever of his own, and has the market of compulsion at his entire command. But all these securities were not sufficient for the anxious attention of the Supreme Council to Mr. Sulivan's welfare: Mr. Hastings had before given him the Contract without any proposal on his part; and to make their gift perfect, in a second instance they proceed a step beyond their former ill precedent, and they contract with Mr. Sulivan for *four* years.

Nothing appears to have been considered but the benefit of the Contractor, and for this purpose the solicitude shown in all the provisions could not be exceeded. One of the first things, that struck Mr. Hastings as a blemish on his gift, was the largeness of the penalty, which he had on former occasions settled as the sanction of the Contract; this he now discovered to be so great as to be likely to frustrate its end by the impossibility of recovering so large a sum. How a large penalty can prevent the recovery of any, even the smallest part of it, is not quite apparent. In so vast a concern as that of Opium a fraud, which at first view may not appear of much importance, and which may be very difficult in the discovery, may easily counterbalance the reduced penalty in this Contract, which

was settled in favour of Mr. Sulivan at about £. 20,000.

Monopolies were (as the House has observed) only tolerated evils, and at best upon trial; a clause therefore was inserted in the Contracts to Mackenzie, annulling the obligation, if the Court of Directors should resolve to abolish the monopoly; but at the request of Mr. Sulivan, the Contract was without difficulty purged of this obnoxious clause. The term was made absolute; the monopoly rendered irrevocable, and the discretion of the Directors wholly excluded. Mr. Hastings declared the reserved condition to be no longer necessary, "because the Directors had approved the monopoly."

The Chiefs and Councils at the principal factories had been obliged to certify the quantity and quality of the Opium before its transport to Calcutta; and their control over the Contractor had been assigned as the reason for not leaving to those factories the management of this monopoly. Now things were changed. Orders were sent to discontinue this measure of invidious precaution; and the Opium was sent to Calcutta, without any thing done to ascertain its quality or even its quantity.

An office of Inspection had been also appointed to examine the quality of the Opium on its delivery at the capital settlement. In order to ease

Mr.

Mr. Sulivan from this troublesome formality, Mr. Hastings abolished the office; so that Mr. Sulivan was then totally freed from all examination or control whatsoever, either first or last.

These extraordinary changes in favour of Mr. Sulivan were attended with losses to others, and seem to have excited much discontent. This discontent it was necessary in some manner to appease. The Vendue master, who was deprived of his accustomed dues on the publick sales of the Opium by the private dealing, made a formal complaint to the Board against this as well as other proceedings relative to the same business. He attributed the private sale to "*reasons of State*;" and this strong reflection both on the Board of Trade and the Council Board was passed over without observation. He was quieted by appointing him to the duty of these very Inspectors, whose office had been just abolished as useless. The House will judge of the efficacy of the revival of this office by the motives to it, and by Mr. Hastings giving that to *one* as *a compensation*, which had been executed by several as *a duty*. However, the orders for taking away the precautionary inspection at Patna still remained in force.

Some benefits, which had been given to former Contractors at the discretion of the Board, were no longer held under that loose indulgence, but were secured to Mr. Sulivan by his Contract. Other indulgencies

indulgencies of a lesser nature, and to which no considerable objection could be made, were on the application of a Mr. Benn, calling himself his attorney, granted.

Your Committee examining Mr. Higginson, late a Member of the Board of Trade, on that subject, were informed that this Contract, very soon after the making, was generally understood at Calcutta to have been sold to this Mr. Benn; but he could not particularize the sum, for which it had been assigned; and that Mr. Benn had afterwards sold it to a Mr. Young. By this transaction it appears clearly, that the Contract was given to Mr. Sulivan for no other purpose than to supply him with a sum of money; and the sale and re-sale seem strongly to indicate, that the reduction of the penalty, and the other favourable conditions, were not granted for his ease in a business, which he never was to execute, but to heighten the value of the object, which he was to sell. Mr. Sulivan was at the time in Mr. Hastings's family, accompanied him in his progresses, and held the office of Judge-Advocate.

The monopoly given for these purposes thus permanently secured, all power of reformation cut off, and almost every precaution against fraud and oppression removed, the Supreme Council found, or pretended to find, that the commodity, for which they had just made such a contract, was not a saleable article; and in consequence of this opinion,

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or pretence, entered upon a daring speculation hitherto unthought of, that of sending the commodity on the Company's account to the market of Canton. The Council alleged, that the Dutch being driven from Bengal, and the seas being infested with privateers, this commodity had none, or a very dull and depreciated, demand.

Had this been true, Mr. Hastings's conduct could admit of no excuse. He ought not to burthen a fallen market by long and heavy engagements. He ought studiously to have kept in his power the means of proportioning the supply to the demand. But his arguments, and those of the Council on that occasion, do not deserve the smallest attention. Facts, to which there is no testimony but the assertion of those, who produce them in apology for the ill consequences of their own irregular actions, cannot be admitted. Mr. Hastings and the Council had nothing at all to do with that business: the Court of Directors had wholly taken the management of Opium out of his and their hands, and by a solemn adjudication fixed it in the Board of Trade. But after it had continued there some years, Mr. Hastings, a little before his grant of the monopoly to Mr. Sulivan, thought proper to reverse the decree of his masters, and by his own authority to recall it to the Council. By this step he became responsible for all the consequences.

The Board of Trade appear indeed to merit reprehension

reprehension for disposing of the Opium by private contract, as by that means the unerring standard of the publick market cannot be applied to it; but they justified themselves by their success. And one of their members informed Your Committee, that their last sale had been a good one; and, though he apprehended a fall in the next, it was not such as, in the opinion of Your Committee, could justify the Council-General in having recourse to untried and hazardous speculations of commerce. It appears that there must have been a market, and one sufficiently lively. They assign as a reason of this assigned dulness of demand, that the Dutch had been expelled from Bengal, and could not carry the usual quantity to Batavia. But the Danes were not expelled from Bengal, and Portuguese ships traded there: neither of them were interdicted at Batavia, and the trade to the Eastern ports was free to them. The Danes actually applied for and obtained an increase of the quantity, to which their purchases had been limited; and, as they asked, so they received this indulgence as a great favour. It does not appear that they were not very ready to supply the place of the Dutch. On the other hand, there is no doubt that the Dutch would most gladly receive an article convenient, if not necessary, to the circulation of their commerce from the Danes, or under any name; nor was it fit that the Company should use an extreme strictness in any

inquiry concerning the necessary disposal of one of their own staple commodities.

The supply of the Canton treasury with funds for the provision of the next year's China Investment was the ground of this plan. But the Council-General appear still to have the particular advantage of Mr. Sulivan in view; and, not satisfied with breaking so many of the Company's orders for that purpose, to make the Contract an object saleable to the greatest advantage, were obliged to transfer their personal partiality from Mr. Sulivan to the Contract itself, and to hand it over to the assignees through all their successions. When the Opium was delivered, the duties and emoluments of the Contractor ended; but (it appears from Mr. Williamson's letter, 18th October 1781, and it is not denied by the Council-General) this new scheme *furnished them with a pretext of making him broker for the China Investment, with the profit of a new commission*—to what amount does not appear: but here their constant and vigilant observer, the Vendue master, met them again: they seemed to live in no small terrour of this gentleman. To satisfy him for the loss of his fee, to which he was entitled upon the publick sale, they gave *him* also a commission of one per cent. on the Investment. Thus was this object loaded with a double commission; and every act of partiality to one person produced a chargeable compensation to some other

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for the injustice, that such partiality produced. Nor was this the whole. The discontent and envy excited by this act went infinitely further than to those immediately affected, and something or other was to be found out to satisfy as many as possible.

As soon as it was discovered that the Council entertained a design of opening a trade on those principles, it immediately engaged the attention of such as had an interest in speculations of freight.

A memorial seems to have been drawn early, as it is dated on the 29th of March, though it was not the first publickly presented to the Board. This memorial was presented on the 17th of September 1781 by Mr. Wheeler, conformably (as he says) to the desire of the Governour-General; and it contained a long and elaborate dissertation on the trade to China; tending to prove the advantage of extending the sale of English manufactures and other goods to the north of that country, beyond the usual emporium of European nations. This ample, and not ill-reasoned theoretical performance (though not altogether new either in speculation or attempt) ended by a practical proposition, very short indeed of the ideas opened in the preliminary discourse, but better adapted to the immediate effect. It was, that the Company should undertake the sale of its own Opium in China, and commit the management of the business to the memorialist,

who

who offered to furnish them with a strong armed ship for that purpose. The offer was accepted, and the agreement made with him for the transport of two thousand chests.

A proposal by another person was made the July following the date of this project; it appears to have been early in the formal delivery at the Board; this was for the export of one thousand four hundred and eighty chests. This too was accepted, but with new conditions and restrictions; for in so vast and new an undertaking great difficulties occurred. In the first place, all importation of that commodity is rigorously forbidden by the laws of China. The impropriety of a political trader, who is Lord over a great empire, being concerned in a contraband trade upon his own account did not seem in the least to affect them; but they were struck with the obvious danger of subjecting their goods to seizure by the vastness of the prohibited import. To secure the larger adventure, they require of the China factory that Colonel Watson's ship should enter the port of Canton as an *armed ship*, (they would not say a ship of war, though that must be meant) that her cargo should not be reported; they also ordered that other measures should be adopted to secure this prohibited article from seizure.

If the cargo should get in safe, another danger was in view—the overloading the Chinese market

by a supply beyond the demand; for it is obvious, that contraband trade must exist by small quantities of goods poured in by intervals, and not by great importations at one time. To guard against this inconvenience, they divide their second, though the smaller adventure into two parts; one of which was to go to the markets of the barbarous natives, which inhabit the coast of Malacca, where the chances of its being disposed of by robbery or sale were at least equal. If the Opium should be disposed of there, the produce was to be invested in merchandise saleable in China, or in dollars, if to be had. The other part (about one half) was to go in kind directly to the port of Canton.

The dealing at this time seemed closed; but the gentlemen, who chartered the ships, always recollecting something, applied a-new to the Board to be furnished with cannon from the Company's Ordnance. Some was delivered to them; but the Office of Ordnance (so heavily expensive to the Company) was not sufficient to spare a few iron guns for a merchant ship. Orders were given to cast a few cannon; and an application made to Madras, at a thousand miles distance, for the rest. Madras answers, that they cannot exactly comply with the requisition; but still the Board at Bengal *hopes* better things from them than they promise; and flatter themselves that, with their assistance, they shall properly arm a ship of thirty-two guns.

Whilst

Whilst these dispositions were making, the first proposer, perceiving advantages from the circuitous voyage of the second, which had escaped his observation, to make amends for his first omission, improved both on his own proposal, and on that of the person, who had improved on him. He therefore applied for leave to take two hundred and fifty chests on his own account, which he said could "be *readily disposed* of at the several places where "it was necessary for the ship to touch for wood "and water, or intelligence, during her intended "voyage through *the Eastern Islands.*" As a corrective to this extraordinary request, he assured the Board, that if he should meet with any unexpected delay at these markets he would send their cargo to its destination, having secured a *swift-sailing* sloop for the *protection* of his ship; and this sloop he proposed in such a case to leave behind. Such an extraordinary eagerness to deal in Opium lets in another view of the merits of the alleged dulness of the market, on which this trade was undertaken for the Company's account.

The Council, who had with great condescension and official facility consented to every demand hitherto made, were not reluctant with regard to this last. The quantity of Opium required by the freighters, and the permission of a trading voyage, were granted without hesitation. The cargo having become far more valuable by this small infusion of

private interest, the armament, which was deemed sufficient to defend the Company's large share of the adventure, was now discovered to be unequal to the protection of the whole. For the convoy of these two ships the Council hire and arm another. How they were armed, or whether in fact they were properly armed at all, does not appear. It is true that the Supreme Council proposed that these ships should also convey supplies to Madras; but this was a secondary consideration—their primary object was the adventure of Opium. To this they were permanently attached, and were obliged to attend to its final destination.

The difficulty of disposing of the Opium, according to this project, being thus got over, a material preliminary difficulty still stood in the way of the whole scheme. The Contractor, or his assignees, were to be paid. The Company's treasure was wholly exhausted; and even its credit was exceedingly strained. The latter, however, was the better resource, and to this they resolved to apply. They therefore, at different times, opened two loans of one hundred thousand pounds each; the first was reserved for the Company's servants, civil and military, to be distributed in shares according to their rank; the other was more general. The terms of both loans were, that the risk of the voyage was to be on account of the *Company*. The payment was to be in bills (at a rate of exchange settled

settled from the supercargoes at Canton) upon the same Company. In whatever proportion the adventure should fail, either in the ships not safely arriving in China, or otherwise, in that proportion the subscribers were to content themselves with the Company's bonds for their money, bearing eight per cent. interest. A share in this subscription was thought exceeding desirable; for Mr. Hastings writes from Benares, where he was employed in the manner already reported, and hereafter to be observed upon, requesting that the subscription should be left open to his officers, who were employed in the military operations against Cheyt Sing; and accordingly, three Majors, seven Captains, twenty-three Lieutenants, the Surgeon belonging to the detachment, and two Civil Servants of high rank, who attended him, were admitted to subscribe.

Bills upon Europe without interest are always preferred to the Company's bonds, even at the high interest allowed in India. They are indeed so greedily sought there, and (because they tend to bring an immediate and visible distress in Leadenhall-street) so much dreaded here, that by an Act of Parliament the Company's Servants are restricted from drawing bills beyond a certain amount upon the Company in England.

In Bengal they have been restrained to about one hundred and eighty thousand pounds annually.

The Legislature, influenced more strongly with the same apprehensions, has restrained the Directors, as the Directors have restrained their Servants; and have gone so far as to call in the power of the Lords of the Treasury to authorize the acceptance of any bills beyond an amount prescribed in the Act.

The false principles of this unmercantile transaction (to speak of it in the mildest terms) were too gross not to be visible to those, who contrived it. That the Company should be made to borrow such a sum as two hundred thousand pounds * at eight per cent. (or terms deemed by the Company to be worse) in order first to buy a commodity, represented by themselves as depreciated in its ordinary market, in order afterwards to carry one half of it through a circuitous trading voyage; depending for its ultimate success on the prudent and fortunate management of two or three sales, and purchases and re-sales of goods, and the chance of two or three markets, with all the risks of sea and enemy, was plainly no undertaking for such a body. The activity, private interest, and the sharp eye of personal superintendency, may now and then succeed in such projects; but the remote inspection and unwieldy movements of great publick bodies can find nothing but loss in them. Their

* The whole sum has not been actually raised; but the deficiency is not very considerable.

gains,

gains, comparatively small, ought to be upon sure grounds; but here (as the Council states the matter) the private trader actually declines to deal; which is a proof more than necessary to demonstrate the extreme imprudence of such an undertaking on the Company's account. Still stronger and equally obvious objections lay to that member of the project, which regards the introduction of a contraband commodity into China, sent at such a risk of seizure not only of the immediate object to be smuggled in, but of all the Company's property in Canton, and possibly at a hazard to the existence of the British factory at that port.

It is stated, indeed, that a monopolizing Company in Canton, called the Cohong, had reduced commerce there to a deplorable state, and had rendered the gains of private merchants either in Opium, or any thing else, so small and so precarious, that they were no longer able, by purchasing that article, to furnish the Company with money for a China Investment. For this purpose the person, whose proposal is accepted, declares his project to be, to set up a monopoly on the part of the Company against the monopoly of the Chinese merchants; but as the Chinese monopoly is at home, and supported (as the Minute referred to asserts) by the country magistrates, it is plain it is the Chinese Company, not the English, which must prescribe the terms; particularly in a commodity,

which, if withheld from them at their market price, they can, whenever they please, be certain of purchasing as a condemned contraband.

There are two further circumstances in this transaction, which strongly mark its character; the first is, that this adventure to China was not recommended to them by the factory at Canton; it was dangerous to attempt it without their previous advice, and an assurance grounded on the state of the market, and the dispositions of the Government, that the measure, in a commercial light, would be profitable, or at least safe. Neither was that factory applied to on the state of the bills, which, upon their own account, they might be obliged to draw upon Europe, at a time when the Council of Bengal direct them to draw bills to so enormous an amount.

The second remarkable circumstance is, that the Board of Trade in Calcutta (the proper administrator of all, that relates to the Company's Investment) does not seem to have given its approbation to the project, or to have been at all consulted upon it. The sale of Opium had been adjudged to the Board of Trade for the express purpose of selling it in Bengal, not in China: and of employing the produce of such sale in the manufactures of the country, in which the original commodity was produced. On the whole, it appears a mere trading speculation of the Council, invading the department of others, without

without lights of its own, without authority, or information from any other quarter. In a commercial view, it straitened the Company's Investment, to which it was destined; as a measure of finance, it is a contrivance, by which a monopoly formed for the increase of revenue, instead of becoming one of its resources, involves the treasury, in the first instance, in a debt of two hundred thousand pounds.

If Mr. Hastings, on the expiration of Mr. Mackenzie's Contract, (the advantages of which to the Company had been long doubtful) had put himself in a situation to do his duty, some immediate loss to the Revenue would have been the worst consequence of the alleged depreciation; probably it would not have been considerable. Mr. Mackenzie's Contract, which at first was for three years, had been only renewed for a year. Had the same course been pursued with Mr. Sulivan, they would have had it in their power to adopt some plan, which might have secured them from any loss at all. But they pursued another plan: they carefully put all remedy still longer out of their reach by giving their Contract for four years. To cover all these irregularities, they interest the settlement in their favour by holding out to them the most tempting of all baits in a chance of bills upon Europe.

In this manner the servants abroad have conducted themselves with regard to Mr. Sulivan's Contract

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for Opium, and the disposal of the commodity. In England, the Court of Directors took it into consideration. First as to the Contract, in a letter dated 12th July 1782, they say, that "having condemned "the Contract entered into with Mr. Mackenzie "for the provision of Opium, they cannot but be "*surprised* at your having concluded a new Con- "tract for *four* years relative to that article with "Mr. Stephen Sulivan, without leaving the deci- "sion of it to the Court of Directors."

The sentiments of the Directors are proper, and worthy of persons in publick trust. Their *surprise*, indeed, at the disobedience to their orders is not perfectly natural in those, who for many years have scarcely been obeyed in a single instance. They probably asserted their authority at this time with as much vigour as their condition admitted.

They proceed: "We do not mean (say they) to "convey any censure on Mr. Sulivan respecting "the transaction; but we cannot withhold our "displeasure from the Governour-General and "Council at such an instance of *contempt* of our "authority." They then proceed justly to censure the removal of the inspection, and some other particulars of this gross proceeding. As to the criminality of the parties, it is undoubtedly true that a breach of duty in servants is highly aggravated by the rank, station, and trust of the offending party.

But

But no party, in such conspiracy to break orders, appear to us wholly free from fault.

The Directors did their duty in reprobating this Contract; but it is the opinion of Your Committee, that further steps ought to be taken to inquire into the legal validity of a transaction, which manifestly attempts to prevent the Court of Directors from applying any remedy to a grievance, which has been for years the constant subject of complaints.

Both Mr. Sulivan and Mr. Hastings are the Company's Servants, bound by their covenants and their oaths to promote the interest of their masters, and both equally bound to be obedient to their orders. If the Governour-General had contracted with a stranger, not apprized of the Company's orders, and not bound by any previous engagement, the Contract might have been good; but whether a Contract made between two servants contrary to the orders of their common master, and to the prejudice of his known interest, be a breach of trust on both sides; and whether the Contract can in equity have force to bind the Company, whenever they shall be inclined to free themselves and the country they govern from this mischievous monopoly, Your Committee think a subject worthy of further inquiry.

With regard to the disposal of the Opium, the Directors very properly condemn the direct contraband, but they approve the trading voyage.

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The Directors have observed nothing concerning the loans: they probably reserved that matter for future consideration.

In no affair has the connexion between servants abroad and persons in power among the proprietors of the India Company been more discernible than in this. But if such confederacies, cemented by such means, are suffered to pass without due animadversion, the authority of Parliament must become as inefficacious as all other authorities have proved to restrain the growth of disorders either in India or in Europe.

SALT.

THE Reports made by the two Committees of the House, which sat in the years 1772 and 1773, of the state and conduct of the inland trade of Bengal up to that period have assisted the inquiries of Your Committee with respect to the third and last article of monopoly, viz. that of Salt; and made it unnecessary for them to enter into so minute a detail on that subject as they have done on some others.

Your Committee find, that the late Lord Clive constantly asserted, that the Salt trade in Bengal had been a monopoly time immemorial; that it ever was and ever must be a monopoly; and that

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Coja Wazid, and other merchants long before him, had given to the Nabob and his ministers two hundred thousand pounds per annum for the exclusive privilege. The Directors, in their letter of the 24th December 1776, paragraph 76, say, "that "it has ever been in a great measure an exclusive "trade."

The Secret Committee report, that under the Government of the Nabobs the duty on Salt made in Bengal was two and an half per cent. paid by Mussulmen, and five per cent. paid by Gentoos. On the accession of Mir Cassim in 1760, the claim of the Company's servants to trade in Salt, duty-free, was first avowed. Mr. Vansittart made an agreement with him, by which the duties should be fixed at nine per cent. The Council annulled the agreement, and reduced the duty to two and an half per cent. On this, Mir Cassim ordered that no customs or duties whatsoever should be collected for the future. But a majority of the Council (22d March 1763) resolved, that the making the exemption general was a breach of the Company's privileges; and that the Nabob should be positively required to recall it, and collect duties as before from the country merchants, and all other persons, who had not the protection of the Company's dustuck.—The Directors, as the evident reason of the thing and as their duty required, disapproved highly of these transactions, and ordered

4th Report, page 106.

(8th February 1764) *a final and effectual stop to be put to the inland trade in Salt,* and several other articles of commerce. But other politicks and other interests prevailed; so that in the May following a General Court resolved, that it should be recommended to the Court of Directors to reconsider the preceding orders. In consequence of which the Directors ordered the Governour and Council to form a plan, in concert with the Nabob, for regulating the inland trade.

On these last orders Lord Clive's plan was formed in 1765 for engrossing the sole purchase of Salt, and dividing the profits among the Company's senior servants. The Directors, who had hitherto reluctantly given way to a monopoly under any idea, or for any purposes, disapproved of this plan, and on the 17th May 1766 ordered it to be abolished; but they substituted no other in its room. In this manner things continued until November 1767, when the Directors repeated their orders for excluding all persons whatsoever, excepting the natives only, from being concerned in the inland trade in Salt; and they declared, that (vide par. 90) "*such trade is hereby abolished and put a final* "*end to.*"—In the same letter (par. 92,) they ordered that the Salt trade should be laid open to the natives in general, subject to such a duty as might produce one hundred and twenty thousand pounds a year. This policy was adopted by the Legislature.

Par. 36. Vide 4th Report from Com. of Secrecy in 1773, Appendix, N° 45.

In the Act of 1773, it was expressly provided, that it should not be lawful for any of his Majesty's subjects to engage, intermeddle, or be any way concerned, directly or indirectly, in the inland trade in Salt, except on the India Company's account.

Under the positive orders of the Company, the Salt trade appears to have continued open from 1768 to 1772. The Act indeed contained an exception in favour of the Company, and left them a liberty of dealing in Salt upon their own account. But still this policy remained unchanged, and their orders unrevoked. But in the year 1772, without any instruction from the Court of Directors indicating a change of opinion or system, the whole produce was again monopolized, professedly for the use of the Company, by Mr. Hastings.—Speaking of this plan, he says: (letter to the Directors, 22d February 1775) "No new hardship has been imposed upon the Salt manufacturers by taking the "management of that article into the hands of "Government; the only difference is, that the "profit, which was before reaped by English gentlemen, and by Banians, is now acquired by the "Company."—In May 1766, the Directors had condemned the monopoly *on any conditions whatsoever*. "At that time, they thought it neither "consistent with their honour nor their dignity to "promote such an exclusive trade." "They con- "sidered it too as disgraceful, *and below the dignity* "*of*

Vide Sel. Letter to Bengal, 17th May 1776, Par. 36, in 4th Report from Com. of Secrecy, in 1773, Appendix. N° 45.

" *of their present situation*, to allow of such a " monopoly; and that, were they to allow it under " any restrictions, they should consider themselves " as assenting and subscribing to all the mischiefs, " which Bengal had presented to them for four " years past."

Notwithstanding this solemn declaration, in their letter of 24th December 1776 they approve the plan of Mr. Hastings, and say " that the monopoly " *on its present footing* can be no considerable " grievance to the country," &c.

This however was a rigorous monopoly. The account given of it by General Clavering, Colonel Monson, and Mr. Francis, in their Minute of 11th January 1775, in which the situation of the Molungees, or persons employed in the Salt manufacture, is particularly described, is stated at length in the Appendix. Mr. Hastings himself says, " The power of obliging Molungees to work has " been customary from time immemorial."

Nothing but great and clear advantage to Government could account for, and nothing at all perhaps could justify, the revival of a monopoly thus circumstanced. The advantage proposed by its revival was the transferring the profit, which was before reaped by English gentlemen and Banians, to the Company. The profits of the former were not problematical. It was to be seen what the effect would be of a scheme to transfer them to the latter,

latter, even under the management of the projector himself. In the Revenue Consultations of September 1766, Mr. Hastings said, "Many causes have "since combined to reduce this article of Revenue "*almost to nothing*. The plan, which I am *now* "inclined to recommend for the future manage- "ment of the Salt Revenue, differs widely from "that, which I adopted under different circum- "stances."

It appears, that the ill success of his former scheme did not deter him from recommending another. Accordingly, in July 1777 Mr. Hastings proposed, and it was resolved, that the Salt Mahls should be let, *with* the lands, to the farmers and Zemindars for a ready-money rent, including duties; the Salt to be left to their disposal. After some trial of this method, Mr. Hastings thought fit to abandon it. In September 1780 he changed his plan a third time, and proposed the institution of a *Salt Office*—the Salt was to be again engrossed for the benefit of the Company, and the management conducted by a number of Salt Agents.

From the preceding facts it appears, that in this branch of the Company's Government little regard has been paid to the ease and welfare of the natives; and that the Directors have no where shown greater inconsistency than in their orders on this subject.—Yet Salt, considering it as a necessary of life, was by no means a safe and proper subject for

so many experiments and innovations. For ten years together the Directors reprobated the idea of suffering this necessary of life to be engrossed on *any condition whatsoever*; and strictly prohibited all Europeans from trading in it. Yet, as soon as they were made to expect from Mr. Hastings, that the profits of the monopoly should be converted to their own use, they immediately declared, that it "could be no considerable grievance to the coun-"try," and authorized its continuance; until he himself, finding it produced little or nothing, renounced it of his own accord. Your Committee are apprehensive that this will at all times, whatever flattering appearance it may wear for a time, be the fate of any attempt to monopolize the Salt for the profit of Government. In the first instance, it will raise the price on the consumer beyond its just level; but that evil will soon be corrected by means ruinous to the Company as monopolists, *viz.* by the embezzlement of their own Salt, and by the importation of foreign Salt, neither of which the Government of Bengal may have power for any long time to prevent. In the end, Government will probably be undersold, and beaten down to a losing price. Or, if they should attempt to force all the advantages from this article, of which by every exertion it may be made capable, it may distress some other part of their possessions in India, and destroy, or at least impair, the natural intercourse between

between them. Ultimately it may hurt Bengal itself, and the produce of its Landed Revenue, by destroying the vent of that grain, which it would otherwise barter for Salt.

Your Committee think it hardly necessary to observe, that the many changes of plan, which have taken place in the management of the Salt trade, are far from honourable to the Company's Government; and that, even if the monopoly of this article were a profitable concern, it should not be permitted. Exclusive of the general effect of this and of all monopolies, the oppressions, which the manufacturers of Salt, called *Molungees*, still suffer under it, though perhaps alleviated in some particulars, deserve particular attention. There is evidence enough on the Company's Records to satisfy Your Committee, that these people have been treated with great rigour; and not only defrauded of the due payment of their labour, but delivered over, like cattle, in succession to different masters, who, under pretence of buying up the balances due to their preceding employers, find means of keeping them in perpetual slavery. For evils of this nature there can be no perfect remedy as long as the monopoly continues. They are in the nature of the thing, and cannot be cured, or effectually counteracted, even by a just and vigilant administration on the spot. Many objections occur to the farming of any branch of the publick revenue in Bengal,

particularly against farming the Salt Lands. But the dilemma, to which Government by this system is constantly reduced, of authorizing great injustice, or suffering great loss, is alone sufficient to condemn it. Either Government is expected to support the farmer or contractor in all his pretensions by an exertion of power, which tends of necessity to the ruin of the parties subjected to the farmer's contract, and to the suppression of free trade;—or, if such assistance be refused him, he complains that he is not supported—that private persons interfere with his contract—that the manufacturers desert their labour, and that proportionate deductions must be allowed him.

After the result of their examination into the general nature and effect of this monopoly, it remains only for Your Committee to inquire, whether there was any valid foundation for that declaration of Mr. Hastings, which we conclude must have principally recommended the monopoly of Salt to the favour of the Court of Directors; viz. "that "the profit, which was before reaped by English "gentlemen, and by Banians, was now acquired "by the Company." On the contrary, it was proved and acknowledged before the Governour-General and Council, when they inquired into this matter in March 1775, that the Chiefs and Councils of those districts, in which there were Salt Mahls, reserved

reserved particular Salt farms for their *own* use, and divided the profits, in certain stated proportions, among themselves and their assistants. But, unless a detail of these transactions, and of the persons concerned in them, should be called for by the House, it is our wish to avoid entering into it. On one example only Your Committee think it just and proper to insist, stating first to the House on what principles they have made this selection.

In pursuing their inquiries, Your Committee have endeavoured chiefly to keep in view the conduct of persons in the highest stations, particularly of those, in whom the Legislature, as well as the Company, have placed a special confidence; judging that the conduct of such persons is not only most important in itself, but most likely to influence the subordinate ranks of the service. Your Committee have also examined the proceedings of the Court of Directors on all those instances of the behaviour of their servants, that seemed to deserve, and did sometimes attract, their immediate attention. They constantly find, that the negligence of the Court of Directors has kept pace with, and must naturally have quickened, the growth of the practices which they have condemned. Breach of duty abroad will always go hand in hand with neglect of it at home. In general, the Court of Directors, though sufficiently severe in censuring offences, and sometimes in punishing those, whom

they have regarded as offenders of a lower rank, appear to have suffered the most conspicuous, and therefore the most dangerous, examples of disobedience and misconduct in the first department of their service to pass with a feeble and ineffectual condemnation. In those cases, which they have deemed too apparent and too strong to be disregarded even with safety to themselves, and against which their heaviest displeasure has been declared, it appears to Your Committee that their interference, such as it was, had a mischievous, rather than a useful, tendency. A total neglect of duty in this respect, however culpable, is not to be compared, either in its nature or in its consequences, with the destructive principles, on which they have acted. It has been their practice, if not system, to inquire, to censure, and not to punish. As long as the misconduct of persons in power in Bengal was encouraged by nothing but the hopes of concealment, it may be presumed, that they felt some restraint upon their actions, and that they stood in some awe of the power placed over them. Whereas it is to be apprehended, that the late conduct of the Court of Directors tells them in effect, that they have nothing to fear from the certainty of a discovery.

On the same principle, on which Your Committee have generally limited their researches to the persons placed by Parliament, or raised or put

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in nomination by the Court of Directors to the highest station in Bengal, it was also their original wish to limit those inquiries to the period, at which Parliament interposed its authority between the Company and their servants, and gave a new Constitution to the Presidency of Fort William. If the Company's servants had taken a new date from that period, and if from thenceforward their conduct had corresponded with the views of the Legislature, it is probable that a review of the transactions of remoter periods would not have been deemed necessary, and that the remembrance of them would have been gradually effaced, and finally buried in oblivion. But the Reports, which Your Committee have already made, have shown the House, that from the year 1772, when those proceedings commenced in Parliament, on which the Act of the following year was founded, abuses of every kind have prevailed and multiplied in Bengal to a degree unknown in former times, and are perfectly sufficient to account for the present distress of the Company's affairs both at home and abroad. The affair, which Your Committee now lays before the House, occupies too large a space in the Company's Records, and is of too much importance, in every point of view, to be passed over.

Your Committee find, that in March 1775 a petition was presented to the Governour-General and Council by a person called Coja Kaworke, an

Armenian merchant, resident at Dacca (of which division Mr. Richard Barwell had lately been chief), setting forth in substance, that, in November 1772, the petitioner had farmed a certain Salt district, called *Savage-poor*, and had entered into a Contract with the Committee of Circuit for providing and delivering to the India Company the Salt produced in that district: that in 1773 he farmed another, called *Selimabad*, on similar conditions. He alleges, that in February 1774, when Mr Barwell arrived at Dacca, he charged the petitioner with 1,25,500 rupees (equal to £. 13,000,), as a contribution; and, in order to levy it, did the same year deduct 20,799 rupees from the amount of the *advance-money*, which was ordered to be paid to the petitioner, on account of the India Company, for the provision of Salt in the two farms; and, after doing so, compelled the petitioner to execute and give him four different bonds for 77,627 rupees, in the name of one *Porran Paul*, for the remainder of such contribution, or unjust profit.

Such were the allegations of the petition relative to the unjust exaction. The harsh means of compelling the payment make another and very material part; for the petitioner asserts, that, in order to recover the amount of these bonds, guards were placed over him, and that Mr. Barwell, by ill usage and oppressions, recovered from him, at different times, 48,656 Arcot rupees, besides 283 rupees

extorted

extorted by the guard;—that, after this payment, two of the bonds, containing 36,313 rupees, were restored to him; and he was again committed to the charge of four *Peons* (or guards), to pay the amount of the remaining two bonds. The petition further charges, that the said gentleman and his people had also extorted from the petitioner other sums of money, which, taken together, amounted to 25,000 rupees.

"But the heaviest grievance alleged by him is, that after the sums of money had been extorted on account of the farms, the faith usual in such transactions is allowed not to have been kept; but, after the petitioner had been obliged to buy, or compound for, the farms, that they were taken from him;—"that "the said Richard Barwell, Esquire, about his "departure from Dacca in October 1774, for self-"interest, wrested from the petitioner the afore-"said two Mahls or districts, and farmed them to "another person, notwithstanding he had extorted "from the petitioner a considerable sum of money "on account of those Pergunnahs."

To this petition Your Committee find two accounts annexed, in which the sums said to be paid to or taken by Mr. Barwell, and the respective dates of the several payments, are specified; and they find, that the account of particulars agrees with and makes up the gross sum charged in the petition.

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Mr.

Mr. Barwell's immediate answer to the preceding charge is contained in two letters to the Board, dated 23d and 24th of March 1775. The answer is remarkable. He asserts, that "the whole of "Kaworke's relation is a gross misrepresentation "of facts;—that the simple fact was, that in Ja- "nuary 1774, the Salt Mahls of Savage-poor and "Selimabad became *his*, and were re-let by *him* "to this man, in the names of Bussant Roy and "Kissen Deb, on condition that he should account "with him (*Mr. Barwell*) for profits to a certain "sum: and that he (*Mr. Barwell*) engaged for "Savage-poor, *in the persuasion of its being a very "profitable farm;*" and he concludes with saying, "if I am mistaken in my reasoning, and *the wish "to add to my fortune has warped my judgment*, in "a transaction, that may appear to the Board in a "light different to what I view it in, it is past; I "cannot recall it; and I rather choose to admit an "errour than deny a fact." In his second letter he says, "To the honourable Court of Directors I "will submit all my rights in the Salt Contracts I "engaged in; and if, in their opinion, those rights "vest in the Company, I will account to them for "the last shilling I have received from such Con- "tracts, my intentions being upright; and, as I "never did wish to profit myself to the prejudice of "my employers, by their judgment I will be im- "plicitly directed."

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The majority of the Board desired that Kaworke's petition should be transmitted to England by the ship then under dispatch; and it was accordingly sent, with Mr. Barwell's replies. Mr. Barwell moved that a Committee should be appointed to take into consideration what he had to offer on the subject of Kaworke's petition; and a Committee was accordingly appointed, consisting of all the members of the Council, except the Governour-General.

The Committee opened their proceedings with reading a second petition from Kaworke, containing corrected accounts of cash, said to be forcibly taken, and of the extraordinary and unwarrantable profits taken or received from him by Richard Barwell, Esquire; all which are inserted at large in the Appendix. By these accounts Mr. Barwell is charged with a balance, or debt, of 22,421 rupees to Kaworke. The principal difference between him and Mr. Barwell arises from a different mode of stating the accounts acknowledged to exist between them. In the account current, signed by Mr. Barwell, he gives Kaworke credit for the receipt of 98,426 rupees, and charges him with a balance of 27,073 rupees.

The facts stated, or admitted, by Mr. Barwell are as follow: that the Salt farms of Selimabad and Savage-poor were *his*, and re-let by him to the two Armenian merchants, Michael and Kaworke, on condition

condition of their paying him 1,25,000 rupees, exclusive of their engagements to the Company; that the engagement was written in the name of *Bussant Roy* and *Kissen Deb Sing*; and Mr. Barwell says, that the reason of its being "in these people's names "was, because *it was not thought consistent with* "*the publick regulations that the names of any* "*Europeans should appear.*"

It is remarkable, that this policy was carried to still greater length; means were used to remove such an obnoxious proceeding, as far as possible, from the publick eye; and they were such as will strongly impress the House with the facility of abuse, and the extreme difficulty of detection in every thing, which relates to the Indian Administration. For these substituted persons were again represented by the further substitution of another name, viz. *Rada Churn Dey*, whom Mr. Barwell asserts to be a real person living at Dacca, and who *stood for the factory of Dacca*; whereas the Armenian affirms, that there was *no* such person as *Rada Churn*, and that it was a fictitious name.

Mr. Barwell, in his justification, proceeds to affirm, that Coja Kaworke never had the management of the Salt Mahls, "*but on condition of ac-* "*counting to the former chief, and to Mr. Barwell,* "*for a specified advantage arising from them*—that "Mr. Barwell determined, *without he could recon-* "*cile the interests of the Publick with his own*

" *private emoluments*, that he would not engage in " this concern; and that, when he took an interest " in it, *it was for specified benefit in money*, and " every condition in the publick engagement to be " answered."

Your Committee have stated the preceding facts in the same terms, in which they are stated by Mr. Barwell. The House is to judge how far they amount to a defence against the charges contained in Kaworke's petition; or to an admission of the truth of the principal part of it. Mr. Barwell does not allow that compulsion was used to extort the money, which he received from the petitioner, or that the latter was dispossessed of the farms in consequence of an offer made to Mr. Barwell by another person (*Ramsundcr Paulet*) to pay him a lack of rupees more for them. The truth of *these* charges has not been ascertained. They were declared by Mr. Barwell to be false, but no attempt was made by him to invalidate or confute them, though it concerned his reputation, and it was his duty in the station wherein he was placed, that charges of such a nature should have been disproved, at least the accuser should have been pushed to the proof of them. Nothing of this kind appears to have been done, or even attempted.

The transaction itself, as it stands, is clearly collusive; the form, in which it is conducted, is clandestine, and mysterious in an extraordinary degree; and

and the acknowledged object of it a great illicit profit, to be gained by an agent and trustee of the Company at the expense of his employers, and of which he confesses he has received a considerable part.

The Committee of the Governour-General and Council appear to have closed their proceedings with several resolutions, which, with the answers given by Mr. Barwell as a defence, are inserted in the Appendix. The whole are referred thither together, on account of the ample extent of the answer. These papers will be found to throw considerable light not only on the points in question, but on the general administration of the Company's revenues in Bengal. On some passages in Mr. Barwell's defence, or account of his conduct, Your Committee offer the following remarks to the judgment of the House:—

In his letter of the 23d March 1775, he says, that he engaged for Savage-poor *in the persuasion of its being a very profitable farm.* In this place Your Committee think it proper to state the 17th article of the Regulations of the Committee of Circuit, formed in May 1772 by the President and Council, of which Mr. Barwell was a member, together with their own observations thereupon.

17th. "That no Peshcar, Banyan, or other ser-
"vant, of whatever denomination, of the collector,
"or relation, or dependant of any such servant, be
"allowed

" allowed to farm lands, nor directly or indirectly " to hold a concern in any farm, nor to be security " for any farmer; that the collector be strictly en- " joined to prevent such practices; and that, if it " shall be discovered that any one, *under a false* " *name, or any kind of collusion,* hath found means " to evade this order, he shall be subject to an heavy " fine, proportionate to the amount of the farm, " and the farm shall be re-let, or made Khas: and " if it shall appear that the collector shall have " countenanced, approved, or connived at a breach " of this regulation, he shall stand *ipso facto* dis- " missed from his collectorship. Neither shall any " European, directly or indirectly, be permitted to " rent lands in any part of the country."

Remark by the Board.

17th. " If the collector, or any persons, who " partake of his authority, are permitted to be the " farmers of the country, no other persons will dare " to be their competitors, of course they will obtain " the farms on their own terms. *It is not fit that* " *the servants of the Company should be dealers* " *with their masters.* The collectors are checks " on the farmers. If they themselves turn farmers, " what checks can be found for *them?* What secu- " rity will the Company have for their property,

" or

" or where are the Ryots to look for relief against " oppressions?"

The reasons assigned for the preceding regulation seem to Your Committee to be perfectly just; but they can by no means be reconciled to those, which induced Mr. Barwell to engage in the Salt farms of Selimabad and Savage-poor. In the first place, his doing so is at length a direct and avowed, though at first a covert, violation of the publick regulation, to which he was himself a party, as a member of the Government, as well as an act of disobedience to the Company's positive orders on this subject. In their general letter of the 17th May 1766, the Court of Directors say, " we posi- " tively order, that no covenanted servant, or " Englishman, residing under our protection, shall " be suffered to hold any land for his own ac- " count, directly or indirectly, in his own name or " that of others, or to be concerned in any farms or " revenues whatsoever."

Secondly. If, instead of letting the Company's lands or farms to indifferent persons, their agent or trustee be at liberty to hold them himself, he will always (on principles stated and adhered to in the defence) have a sufficient reason for farming them on his own account, since he can at all times make them as profitable as he pleases; or, if he leases them to a third person, yet reserves an intermediate profit for himself, that profit may be as great as he

think

thinks fit, and must be necessarily made at the Company's expense. If at the same time he be collector of the revenues, it will be his interest to recommend remissions in favour of the nominal farmer, and he will have it in his power to sink the amount of his collections.

These principles, and the correspondent practices, leave the India Company without any security, that all the leases of the lands of Bengal may not have been disposed of under that Administration, which made the five years settlement in 1772, in the same manner, and for the same purpose.

To enable the House to judge how far this apprehension may be founded, it will be proper to state, that Mr. Nicholas Grueber, who preceded Mr. Barwell in the chiefship of Dacca, in a letter dated 29th of April 1775, declares that he paid to the Committee of Circuit 12,000 rupees as their profit on a single Salt-Farm; which sum, he says, "I paid the Committee at their request, before "their departure from Dacca, and reimbursed my-"self out of *the advances* directed to be issued for "the provision of the Salt. Thus one illicit and "mischievous transaction always leads to another; "and the irregular farming of revenue brings on "the misapplication of the commercial advances."

Mr. Barwell professes himself to be sensible, "*that a wish to add to his fortune may possibly* "*have warped his judgment*; and that, *he rather* "*chooses*

" *chooses to admit an errour than deny a fact.*" But Your Committee are of opinion, that the extraordinary caution, and the intricate contrivances, with which his share in this transaction is wrapped up, form a sufficient proof that he was not altogether mis-led in his judgment; and though there might be some merit in acknowledging an errour before it was discovered, there could be very little in a confession produced by previous detection.

The reasons, assigned by Mr. Barwell in defence of the clandestine part of this transaction, seem to Your Committee to be insufficient in themselves, and not very fit to be urged by a man in his station. In one place he says, that " *it was not thought con-*
" *sistent with the publick regulations that the names*
" *of any European should appear.*" In another, he says, " I am aware of the objection, that has
" been made to the English taking farms under the
" names of natives, as prohibited by the Company's
" orders; and I must *deviate* a little upon this. It
" has been generally understood, that the scope and
" tendency of the Honourable Company's prohibi-
" tion of farms to Europeans was meant only to
" exclude such as could not possibly, in their own
" persons, come under the jurisdiction of the De-
" wanny Courts of Adawlet, because, upon any
" failure of engagements, upon any complaint of
" unjust oppression, or other cause of discontent
" whatever, it was supposed an European might

" screen

" screen himself from the process of the Country
" Judicature. But it was never supposed, *that an*
" *European of credit and responsibility* was abso-
" lutely incapable from holding certain tenures
" under the sanction and authority of the country
" laws, or from becoming security for such native
" farmers, contractors, &c. &c. as he might pro-
" tect and employ."

Your Committee have opposed this construction of Mr. Barwell's to the positive order, which the conduct it is meant to colour has violated. " Eu-
" ropeans of credit and responsibility," that is, Europeans armed with wealth and power, and exercising offices of authority and trust, instead of being excepted from the spirit of the restriction, must be supposed the persons, who are chiefly meant to be comprehended in it; for, abstract the idea of an European from the ideas of power and influence, and the restriction is no longer rational.

Your Committee are therefore of opinion, that the nature of the evil, which was meant to be prevented by the above orders and regulations, was not altered, or the evil itself diminished, by the collusive methods made use of to evade them; and that if the regulations were proper (as they unquestionably were), they ought to have been punctually complied with; particularly by the members of the Government, *who formed the plan*, and who, as trustees of the Company, were especially answerable

for their being duly carried into execution. Your Committee have no reason to believe that it could ever have been generally understood, "that the "Company's prohibition of farms to Europeans "was meant only to exclude such as could not "possibly, in their own persons, come under the "jurisdiction of the Dewanny Courts;"—no such restriction is so much as hinted at. And, if it had been so understood, Mr. Barwell was one of the persons, who, from their rank, station, and influence, must have been the principal objects of the prohibition. Since the establishment of the Company's influence in Bengal, no Europeans, of any rank whatever, have been subject to the process of the Country Judicature; and whether they act avowedly for themselves, and take farms in their own name, or substitute native Indians to act for them, the difference is not material. The same influence, that skreened an European from the jurisdiction of the Country Courts, would have equally protected his native agent and representative. For many years past the Company's servants have presided in those Courts, and in comparison with *their* authority the native authority is nothing.

The earliest instructions, that appear to have been given by the Court of Directors in consequence of these transactions in Bengal, are dated the 5th of February 1777. In their letter of that date they applaud

applaud the proceedings of the Board, meaning the majority (then consisting of General Clavering, Colonel Monson, and Mr. Francis) *as highly meritorious*, and promise them their *firmest support*. "Some of the *cases*, they say, *are so flagrantly* "*corrupt, and others attended with circumstances* "*so oppressive to the inhabitants, that it would be* "*unjust to suffer the delinquents to go unpunished.*" With this observation their proceedings appear to have ended, and paused for more than a year.

On the 4th of March 1778, the Directors appear to have resumed the subject. In their letter of that date they instructed the Governour and Council forthwith to commence a prosecution, in the Supreme Court of Judicature, against the persons, who composed the Committee of Circuit, or their representatives, and also against Mr. Barwell, in order to recover, for the use of the Company, the amount of all advantages acquired by them from their several engagements in Salt Contracts and Farms. Adverting, however, to the declaration made by Mr. Barwell, that he would account to the Court of Directors for the last shilling he had received, and abide implicitly by their judgment, they thought it probable that, on being acquainted with their peremptory orders for commencing a prosecution, he might be desirous of paying his share of profits into the Company's treasury; and they

pointed out a precaution to be used in accepting such a tender on his part.

On this part of the transaction Your Committee observe, that the Court of Directors appear blamable in having delayed till February 1777 to take any measure in consequence of advices so interesting and important, and on a matter, concerning which they had made so strong a declaration; considering that, early in April 1776, they say, "they "had investigated the charges, and had then come "to certain resolutions concerning them." But their delaying to send out positive orders for commencing a prosecution against the parties concerned till March 1778 cannot be accounted for. In the former letter they promise, if they should find it necessary, to return the original covenants of such of their servants as had been any ways concerned in the undue receipt of money, in order to enable the Governour-General and Council to recover the same by suits in the Supreme Court. But Your Committee do not find that the covenants were ever transmitted to Bengal. To whatever cause these instances of neglect and delay may be attributed, they could not fail to create an opinion in Bengal, that the Court of Directors were not heartily intent upon the execution of their own orders, and to discourage those members of Government, who were disposed to undertake so invidious a duty.

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In consequence of these delays, even their first orders did not arrive in Bengal until some time after the death of Colonel Monson, when the whole power of the Board had devolved to Mr. Hastings and Mr. Barwell. When they sent, what they call *their positive orders*, in March 1778, they had long been apprized of the death of Colonel Monson, and must have been perfectly certain of the effect, which that event would have on the subsequent measures and proceedings of the Governour-General and Council. Their opinion of the principles of those gentlemen appears in their letter of the 28th of November 1777, wherein they say, "they cannot "but express their concern, that the power of "granting away their property in perpetuity should "have devolved upon such persons."

But the conduct of the Court of Directors appears to be open to objections of a nature still more serious and important. A recovery of the amount of Mr. Barwell's profits seems to be the only purpose, which they even professed to have in view. But Your Committee are of opinion, that to preserve the reputation and dignity of the Government of Bengal was a much more important object, and ought to have been their first consideration. The prosecution was not the pursuit of mean and subordinate persons, who might, with safety to the publick interest, remain in their seats during such an inquiry into their conduct. It appears very

doubtful, whether, if there were grounds for such a prosecution, a proceeding in Great Britain were not more politick than one in Bengal. Such a prosecution ought not to have been ordered by the Directors, but upon grounds, that would have fully authorized the recall of the gentleman in question. This prosecution, supposing it to have been seriously undertaken, and to have succeeded, must have tended to weaken the Government, and to degrade it in the eyes of all India. On the other hand, to intrust a man, armed as he was with all the powers of his station, and indeed of the Government, with the conduct of a prosecution against himself, was altogether inconsistent and absurd! The same letter, in which they give these orders, exhibits an example, which sets the inconsistency of their conduct in a stronger light, because the case is somewhat of a similar nature, but infinitely less pressing in its circumstances. Observing that the Board of Trade had commenced a prosecution against Mr. William Barton, a member of that Board, for various acts of peculation committed by him, they say, "we must be of opinion, that, as "*prosecutions are actually carrying on against* "*him by our Board of Trade*, he is, during such "prosecution at least, an improper person to hold "a seat *at that Board*; and therefore we direct "that he be suspended from the Company's ser- "vice until our further pleasure concerning him be "known."

"known."—The principle laid down in this instruction, even before their own opinion concerning Mr. Barton's case was declared, and merely on the prosecution of others, serves to render their conduct not very accountable in the case of Mr. Barwell. Mr. Barton was in a subordinate situation, and his remaining or not remaining in it was of little or no moment to the prosecution. Mr. Barton was but one of seven; whereas Mr. Barwell was one of four, and, with the Governour-General, was in effect the Supreme Council.

In the present state of power and patronage in India, and during the relations, which are permitted to subsist between the Judges, the prosecuting Officers, and the Council-General, Your Committee is very doubtful, whether the mode of prosecuting the highest members in the Bengal Government, before a Court at Calcutta, could have been, almost in any case, advisable.

It is possible, that particular persons, in high judicial and political situations, may, by force of an unusual strain of virtue, be placed far above the influence of those circumstances, which in ordinary cases are known to make an impression on the human mind. But Your Committee, sensible that laws and publick proceedings ought to be made for general situations, and not for personal dispositions, are not inclined to have any confidence in the effect of criminal proceedings, where no means are

provided

provided for preventing a mutual connexion by dependencies, agencies and employments, between the parties, who are to prosecute and to judge, and those, who are to be prosecuted and to be tried.

Your Committee, in a former Report, have stated the consequences, which they apprehended from the dependency of the Judges on the Governour-General and Council of Bengal; and the House has entered into their ideas upon this subject. Since that time it appears that Sir Elijah Impey has accepted of the guardianship of Mr. Barwell's children, and was the trustee for his affairs. There is no law to prevent this sort of connexion; and it is possible that it might not at all affect the mind of that Judge, or (upon his account) indirectly influence the conduct of his brethren; but it must forcibly affect the minds of those, who have matter of complaint against Government, and whose cause the Court of Directors appear to espouse, in a country where the authority of the Court of Directors has seldom been exerted but to be despised; where the operation of laws is but very imperfectly understood; but where men are acute, sagacious, and even suspicious of the effect of all personal connexions. Their suspicions, though perhaps not rightly applied to every individual, will induce them to take indications from the situations and connexions of the prosecuting parties, as well as of the Judges. It cannot fail to be observed, that

Mr.

Mr. Naylor, the Company's Attorney, lived in Mr. Barwell's house; the late Mr. Bogle, the Company's Commissioner of law suits, owed his place to the patronage of Mr. Hastings and Mr. Barwell, by whom the office was created for him; and Sir John Day, the Company's Advocate, who arrived in Bengal in February 1779, had not been four months in Calcutta, when Mr. Hastings, Mr. Barwell, and Sir Eyre Coote, doubled his salary, contrary to the opinion of Mr. Francis and Mr. Wheler.

'If the Directors are known to devolve the whole cognizance of the offences charged on their servants, so highly situated, upon the Supreme Court, an excuse will be furnished, if already it has not been furnished, to the Directors for declining the use of their own proper political power and authority in examining into and animadverting on the conduct of their servants. Their true character, as strict masters and vigilant governours, will merge in that of prosecutors. Their force and energy will evaporate in tedious and intricate processes; in law suits, which can never end, and which are to be carried on by the very dependants of those, who are under prosecution. On their part, these servants will decline giving satisfaction to their masters, because they are already before another tribunal; and thus, by shifting responsibility from hand to hand, a confederacy to defeat the whole spirit of the law, and

and to remove all real restraints on their actions, may be in time formed between the Servants, Directors, Prosecutors, and Court. Of this great danger Your Committee will take further notice in another place.

No notice whatever appears to have been taken of the Company's orders in Bengal till the 11th of January 1779, when Mr. Barwell moved, *that the claim made upon him by the Court of Directors should be submitted to the Company's lawyers, and that they should be perfectly instructed to prosecute upon it.* In his Minute of that date, he says, "*that the state of his health had long since rendered "it necessary for him to return to Europe.*"

Your Committee observe, that he continued in Bengal another year. He says, "that he had "hitherto waited for the arrival of Sir John Day, "the Company's Advocate; but as the season was "now far advanced, he wished to bring the trial "speedily to issue."

In this Minute he retracts his original engagement to submit himself to the judgment of the Court of Directors "and to account to them for "the last shilling he had received." He says, "that no merit had been given him for the offer; "that a most unjustifiable advantage had been at- "tempted to be made of it, by first declining it, "and *descending to abuse*, and then giving orders "upon it as if it had been rejected, when called

"upon

"upon by him in the person of his agent to bring "home the charge of delinquency."

Mr. Barwell's reflections on the proceedings of the Court of Directors are not altogether clearly expressed; nor does it appear distinctly to what facts he alludes. He asserts, that a most unjustifiable advantage had been attempted to be made of his offer. The fact is, the Court of Directors have no where declined accepting it; on the contrary, they caution the Governour-General and Council about the manner of receiving the tender of the money, which they expect him to make. They say nothing of any call made on them by Mr. Barwell's agent in England; nor does it appear to Your Committee that they "have descended to abuse." They have a right, and it is their duty, to express, in distinct and appropriate terms, their sense of all blamable conduct in their servants.

So far as may be collected from the evidence of the Company's records, Mr. Barwell's assertions do not appear well supported; but even if they were more plausible, Your Committee apprehend, that he could not be discharged from his solemn recorded promise to abide by the judgment of the Court of Directors. Their judgment was declared by their resolution to prosecute, which it depended upon himself to satisfy by making good his engagement. To excuse his not complying with the Company's claims, he says, "*that his compliance would be urged as*

" *as a confession of delinquency, and to proceed from* " *conviction of his having usurped on the rights of* " *the Company.*" Considerations of this nature might properly have induced Mr. Barwell to stand upon his right in the first instance, " *and to appeal* " (to use his own words) *to the laws of his country,* " *in order to vindicate his fame.*" But his performance could not have more weight to infer delinquency, than his promise. Your Committee think his observation comes too late.

If he had stood a trial when he first acknowledged the facts, and submitted himself to the judgment of the Court of Directors, the suit would have been carried on under the direction of General Clavering, Colonel Monson, and Mr. Francis; whereas in the year 1779 his influence at the Board gave him the conduct of it himself. In an interval of four years it may be presumed that great alterations might have happened in the state of the evidence against him.

In the subsequent proceedings of the Governour-General and Council the House will find, that Mr. Barwell complained that his instances for carrying on the prosecution were ineffectual, owing to the legal difficulties and delays *urged by the Company's law officers*, which Your Committee do not find have yet been removed. As far as the latest advices reach, no progress appears to have been made in the business. In July 1782, the Court of

Directors

Directors found it necessary to order an account of all suits against Europeans, depending in the Supreme Court of Judicature, to be transmitted to them, and that no time should be lost in bringing them to a determination.

SALTPETRE.

THE next article of direct monopoly, subservient to the Company's export, is Saltpetre. This, as well as Opium, is far the greater part the produce of the province of Bahar. The difference between the management and destination of the two articles has been this: until the year 1782, the Opium has been sold in the country, and the produce of the sale laid out in country merchandise for the Company's export. A great part of the Saltpetre is sent out in kind, and never has contributed to the interiour circulation and commerce of Bengal. It is managed by agency on the Company's account. The price paid to the manufacturer is invariable. Some of the larger undertakers receive advances to enable them to prosecute their work; but as they are not always equally careful or fortunate, it happens that large balances accumulate against them. Orders have been sent from Calcutta from time to time to recover their balances with little or no success, but with great vexation to all concerned in

in the manufacture. Sometimes they have imprisoned the failing contractors in their own houses; a severity, which answers no useful purpose. Such persons are so many hands detached from the improvement, and added to the burthen, of the country. They are persons of skill drawn from the future supply of that monopoly, in favour of which they are prosecuted. In case of the death of the debtor, this rigorous demand falls upon the ruined houses of widows and orphans, and may be easily converted into a means either of cruel oppression, or a mercenary indulgence, according to the temper of the exacters.

Instead of thus having recourse to imprisonment, the old balance is sometimes deducted from the current produce. This, in these circumstances, is a grievous discouragement. People must be discouraged from entering into a business, when, the commodity being fixed to one invariable standard, and confined to one market, the best success can be attended only with a limited advantage, whilst a defective produce can never be compensated by an augmented price. Accordingly very little of these advances has been recovered; and after much vexation the pursuit has generally been abandoned. It is plain that there can be no life and vigour in any business under a monopoly so constituted; nor can the true productive resources of the country,

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in so large an article of its commerce, ever come to be fully known.

The supply for the Company's demand in England has rarely fallen short of two thousand tons, nor much exceeded two thousand five hundred. A discretionary allowance of this commodity has been made to the French, Dutch, and Danes, who purchase their allotted shares at some small advance on the Company's price. The supply destined for the London market is proportioned to the spare tonnage; and, to accommodate that tonnage, the Saltpetre is sometimes sent to Madras, and sometimes even to Bombay; and that not unfrequently in vessels expressly employed for the purpose.

Mr. Law, Chief of Patna, being examined on the effect of that monopoly, delivered his opinion, that with regard to the Company's *trade* the monopoly was advantageous; but as sovereigns of the country they must be losers by it. These two capacities in the Company are found in perpetual contradiction. But much doubt may arise, whether this monopoly will be found advantageous to the Company, either in the one capacity or the other. The gross commodity, monopolized for sale in London, is procured from the Revenues in Bengal; the certain is given for the hazardous. The loss of interest on the advances, sometimes the loss of the principal; the expense of carriage from Patna to Calcutta; the various loadings and unloadings, and insurance

(which, though born by the Company, is still insurance); the engagement for the ordnance, limited in price, and irregular in payment; the charge of agency, and management through all its gradations and successions; when all these are taken into consideration, it may be found that the gain of the Company as traders will be far from compensating their loss as sovereigns. A body like the East-India Company can scarcely, in any circumstance, hope to carry on the details of such a business, from its commencement to its conclusion, with any degree of success. In the subjoined estimate of profit and loss, the value of the commodity is stated at its invoice price at Calcutta. But this affords no just estimate of the whole effect of a dealing, where the Company's charge commences in the first rudiments of the manufacture, and not at the purchase at the place of sale and valuation; for they may be heavy losses on the value, at which the Saltpetre is estimated, when shipped off on their account, without any appearance in the account; and the inquiries of Your Committee to find the charges on the Saltpetre previous to the shipping have been fruitless.

BRITISH GOVERNMENT IN INDIA.

THE other link, by which India is bound to Great Britain, is the Government established there originally by the authority of the East-India Company, and afterwards modified by Parliament by the Acts of 1773 and 1780. This system of Government appears to Your Committee to be at least as much disordered, and as much perverted from every good purpose, for which lawful rule is established, as the trading system has been from every just principle of commerce. Your Committee, in tracing the causes of this disorder through its effects, have first considered the Government as it is constituted and managed within itself, beginning with its most essential and fundamental part, the order and discipline, by which the supreme authority of this kingdom is maintained.

The British Government in India being a subordinate and delegated power, it ought to be considered as a fundamental principle in such a system, that it is to be preserved in the strictest obedience to the Government at home. Administration in India, at an immense distance from the seat of the Supreme Authority; intrusted with the most extensive powers; liable to the greatest temptations; possessing the

amplest means of abuse; ruling over a people guarded by no distinct or well-ascertained privileges, whose language, manners, and radical prejudices render not only redress, but all complaint on their part, a matter of extreme difficulty; such an administration, it is evident, never can be made subservient to the interests of Great Britain, or even tolerable to the natives, but by the strictest rigour in exacting obedience to the commands of the authority lawfully set over it.

But Your Committee find that this principle has been for some years very little attended to. Before the passing the Act of 1773, the professed purpose of which was to secure a better subordination in the Company's Servants, such was the firmness with which the Court of Directors maintained their authority, that they displaced Governour Cartier, confessedly a meritorious servant, for disobedience of orders; although his case was not a great deal more than a question, by whom the orders were to be obeyed. Yet the Directors were so sensible of the necessity of a punctual and literal obedience, that, conceiving their orders went to the parties who were to obey, as well as to the act to be done, they proceeded with a strictness, that, in all cases, except that of their peculiar Government, might well be considered as rigorous. But in proportion as the necessity of enforcing obedience grew stronger and more urgent, and in proportion to the magnitude

Vide Committee's 5th. Report, page 21, and Appendix to that Report, N° 12.

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and importance of the objects affected by disobedience, this rigour has been relaxed. Acts of disobedience have not only grown frequent, but systematick; and they have appeared in such instances, and are manifested in such a manner, as to amount, in the Company's servants, to little less than absolute independence; against which, on the part of the Directors, there is no struggle, and hardly so much as a protest to preserve a claim.

Before Your Committee proceed to offer to the House their remarks on the most distinguished of these instances, the particulars of which they have already reported, they deem it necessary to enter into some detail of a transaction equally extraordinary and important, though not yet brought into the view of Parliament, which appears to have laid the foundation of the principal abuses, that ensued, as well as to have given strength and encouragement to those, that existed. To this transaction, and to the conclusions naturally deducible from it, Your Committee attribute that general spirit of disobedience and independence, which has since prevailed in the Government of Bengal.

Your Committee find, that in the year 1775 Mr. Lauchlan Macleane was sent into England as agent to the Nabob of Arcot and to Mr. Hastings.—The conduct of Mr. Hastings, in assisting to extirpate, for a sum of money to be paid to the Company, the innocent nation of the Rohillas, had drawn upon

him the censure of the Court of Directors, and the unanimous censure of the Court of Proprietors. The former had even resolved to prepare an application to His Majesty for Mr. Hastings's dismission.

Another General Court was called on this proceeding. Mr. Hastings was then openly supported by a majority of the Court of Proprietors, who professed to entertain a good opinion of his general ability and rectitude of intention, notwithstanding the unanimous censure passed upon him. In that censure they therefore seemed disposed to acquiesce, without pushing the matter further. But, as the offence was far from trifling, and the condemnation of the measure recent, they did not directly attack the resolution of the Directors to apply to His Majesty, but voted in the ballot, that it should be re-considered. The business therefore remained in suspense, or it rather seemed to be dropped, for some months, when Mr. Macleane took a step, of a nature not in the least to be expected from the condition, in which the cause of his principal stood, which was apparently as favourable as the circumstances could bear. Hitherto the support of Mr. Hastings in the General Court was only by a majority; but, if on application from the Directors he should be removed, a mere majority would not have been sufficient for his restoration. The door would have been barred against his return

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to the Company's service by one of the strongest and most substantial clauses in the Regulating Act of 1773. Mr. Macleane, probably to prevent the manifest ill consequences of such a step, came forward with a letter to the Court of Directors, declaring his provisional powers, and offering on the part of Mr. Hastings an immediate resignation of his office.

On this occasion the Directors showed themselves extremely punctilious with regard to Mr. Macleane's powers. They probably dreaded the charge of becoming accomplices to an evasion of the Act, by which Mr. Hastings, resigning the service, would escape the consequences attached by law to a dismission; they therefore demanded Mr. Macleane's written authority. This he declared he could not give into their hands, as the letter contained other matters of a nature extremely confidential; but that, if they would appoint a Committee of the Directors, he would readily communicate to them the necessary parts of the letter, and give them perfect satisfaction with regard to his authority. A deputation was accordingly named; who reported that they had seen Mr. Hastings's instructions, contained in a paper in *his own handwriting*, and that the authority for the act now done by Mr. Macleane was clear and sufficient. Mr. Vansittart, a very particular friend of Mr. Hastings, and Mr. John Stewart, his most attached and

confidential dependant, attended on this occasion, and proved that directions, perfectly correspondent to this written authority, had been given by Mr. Hastings in their presence. By this means the powers were fully authenticated; but the letter remained safe in Mr. Macleane's hands.

Nothing being now wanting to the satisfaction of the Directors, the resignation was formally accepted. Mr. Wheler was named to fill the vacancy, and presented for His Majesty's approbation, which was received. The Act was complete, and the office, that Mr. Hastings had resigned, was legally filled. This proceeding was officially notified in Bengal, and General Clavering, as senior in Council, was in course to succeed to the office of Governour-General.

Mr. Hastings, to extricate himself from the difficulties, into which this resignation had brought him, had recourse to one of those unlooked-for and hardy measures, which characterize the whole of his administration. He came to a resolution of disowning his agent, denying his letter, and disavowing his friends. He insisted on continuing in the execution of his office, and supported himself by such reasons as could be furnished in such a cause. An open schism instantly divided the Council. General Clavering claimed the office, to which he ought to succeed; and Mr. Francis adhered to him; Mr. Barwell stuck to Mr. Hastings.

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The two parties assembled separately, and every thing was running fast into a confusion; which suspended government, and might very probably have ended in a civil war, had not the Judges of the Supreme Court, on a reference to them, settled the controversy, by deciding that the resignation was an invalid act, and that Mr. Hastings was still in the legal possession of his place, which had been actually filled up in England. It was extraordinary, that the nullity of this resignation should not have been discovered in England; where the Act authorizing the resignation then was; where the agent was personally present; where the witnesses were examined; and where there was and could be no want of legal advice, either on the part of the Company or of the Crown. The Judges took no light matter upon them in superseding, and thereby condemning, the legality of His Majesty's appointment; for such it became by the royal approbation.

On this determination, such as it was, the division in the meeting, but not in the minds of the Council, ceased. General Clavering uniformly opposed the conduct of Mr. Hastings to the end of his life. But Mr. Hastings showed more temper under much greater provocations. In disclaiming his agent, and in effect accusing him of an imposture the most deeply injurious to his character and fortune, and of the grossest forgery to support it, he was so very mild and indulgent as not to show any active resentment

resentment against his unfaithful agent, nor to complain to the Court of Directors. It was expected in Bengal that some strong measures would have immediately been taken to preserve the just rights of the King and of the Court of Directors; as this proceeding, unaccompanied with the severest animadversion, manifestly struck a decisive blow at the existence of the most essential powers of both. But Your Committee do not find that any measures whatever, such as the case seemed to demand, were taken. The observations made by the Court of Directors on what they call "*these extraordinary* "*transactions*", are just and well applied. They conclude with a declaration, "*that the measures,* "*which it might be necessary for them to take, in* "*order to retrieve the honour of the Company, and* "*to prevent the like abuse from being practised in* "*future, should have their most serious and earliest* "*consideration;*" and with this declaration they appear to have closed the account, and to have dismissed the subject for ever.

A sanction was hereby given to all future defiance of every authority in this kingdom. Several other matters of complaint against Mr. Hastings, particularly the charge of peculation, fell to the ground at the same time. Opinions of Counsel had been taken, relative to a prosecution at law upon this charge, from the then Attorney and the then Solicitor General, and Mr. Dunning [now the

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Lords Thurlow, Loughborough, and Ashburton] together with Mr. Adair [now Recorder of London.] None of them gave a positive opinion against the grounds of the prosecution. The Attorney-General doubted on the *prudence* of the proceedings, and censured (as it well deserved) the ill statement of the case. Three of them, Mr. Wedderburn, Mr. Dunning, and Mr. Adair, were clear in favour of the prosecution. No prosecution however was had, and the Directors contented themselves with censuring and admonishing Mr. Hastings.

With regard to the Supreme Council, the members, who chose (for it was choice only) to attend to the orders, which were issued from the languishing authority of the Directors, continued to receive unprofitable applauses and no support. Their correspondence was always filled with complaints, the justice of which was always admitted by the Court of Directors; but this admission of the existence of the evil showed only the impotence of those, who were to administer the remedy. The authority of the Court of Directors, resisted with success in so capital an instance as that of the resignation, was not likely to be respected in any other. What influence it really had on the conduct of the Company's servants may be collected from the facts, that followed it.

The disobedience of Mr. Hastings has of late not only become uniform and systematical in practice, but

but has been in principle also supported by him and by Mr. Barwell, late a member of the Supreme Council in Bengal, and now a member of this House.

In the Consultation of the 20th of July 1778, Mr. Barwell gives it as his solemn and deliberate opinion, that "while Mr. Hastings is in the Go-"vernment, the respect and dignity of his station "should be supported. In these sentiments I "must decline an acquiescence in *any* order, which "has a *tendency* to bring the Government into dis-"repute. As the Company have the means and "power of forming their own Administration in "India, they may at pleasure place whom they "please at the head; but in my opinion they are "not authorized to treat a person in that post with "*indignity*."

By treating them with indignity (in the particular cases wherein they have declined obedience to orders) they must mean those orders, which imply a censure on any part of their conduct, a reversal of any of their proceedings, or, as Mr. Barwell expresses himself in words very significant, in any orders, that have a *tendency* to bring *their* Government into *disrepute*. The amplitude of this latter description reserving to them the judgment of any orders, which have so much as that *tendency*, puts them in possession of a complete independence; an independence, including a despotick authority

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over the subordinates and, the country. The very means taken by the Directors for enforcing their authority becomes, on this principle, a cause of further disobedience. It is observable, that their principles of disobedience do not refer to any local consideration over-looked by the Directors, which might supersede their orders, or to any change of circumstances, which might render another course advisable, or even perhaps necessary; but it relates solely to their own interiour feelings in matters relative to themselves, and their opinion of their own dignity and reputation. It is plain, that they have wholly forgotten who they are, and what the nature of their office is. Mr. Hastings and Mr. Barwell are servants of the Company; and as such, by the duty inherent in that relation, as well as by their special covenants, were obliged to yield obedience to the orders of their masters. They have, as far as they were able, cancelled all the bonds of this relation, and all the sanctions of these covenants.

But in thus throwing off the authority of the Court of Directors, Mr. Hastings and Mr. Barwell have thrown off the authority of the whole Legislative power of Great Britain; for, by the Regulating Act of the Thirteenth of His Majesty, they are expressly "directed and required to pay due obedience to *all* such orders as they shall receive "from the Court of Directors of the said United "Company." Such is the declaration of the Law.

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But Mr. Barwell declares, that he declines obedience to *any* orders, which he shall interpret to be indignities on a Governour-General. To the clear injunctions of the Legislature Mr. Hastings and Mr. Barwell have thought proper to oppose their pretended reputation and dignity; as if the chief honour of publick ministers in every situation was not to yield a cheerful obedience to the laws of their country. Your Committee, to render evident to this House the general nature and tendency of this pretended dignity, and to illustrate the real principles, upon which they appear to have acted, think it necessary to make observations on three or four of the cases, already reported, of marked disobedience to particular and special orders; on one of which the above extraordinary doctrine was maintained.

These are the cases of Mr. Fowke, Mr. Bristow, and Mahomed Reza Khân. In a few weeks after the death of Colonel Monson, Mr. Hastings having obtained a majority in Council by his casting vote, Mr. Fowke and Mr. Bristow were called from their respective offices of residents at Benares and Oude; places, which have become the scenes of other extraordinary operations under the conduct of Mr. Hastings in person. For the recall of Mr. Bristow no reason was assigned. The reason assigned for the proceeding with regard to Mr. Fowke was, that

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" the purposes, for which he was appointed, were " then fully accomplished."

An account of the removal of Mr. Fowke was communicated to the Court of Directors, in a letter of the 22d of December 1776. On this notification, the Court had nothing to conclude, but that Mr. Hastings, from a rigid pursuit of economy in the management of the Company's affairs, had recalled a useless officer. But without alleging any variation whatsoever in the circumstances, in less than twenty days after the order for the recall of Mr. Fowke, and the *very day after the dispatch* containing an account of the transaction, Mr. Hastings recommended Mr. Graham to this very office; the end of which, he declared to the Directors but the day before, had been fully accomplished. And not thinking this sufficient, he appointed Mr. D. Barwell as his assistant at a salary of about four hundred pounds a year. Against this extraordinary act General Clavering and Mr. Francis entered a protest.

So early as the 6th of the following January the appointment of these gentlemen was communicated in a letter to the Court of Directors, without any sort of colour, apology, or explanation. That Court found a servant removed from his station without complaint, contrary to the tenour of one of their standing injunctions. They allow, however, and with reason, that " if it were possible to suppose that

" that a saving, &c. had been his motive, they " would have approved his proceeding. But that, " when immediately afterwards two persons, with " *two* salaries, had been appointed to execute the " office, which had been filled with reputation by " Mr. Fowke alone, and that Mr. Graham enjoys " all the emoluments annexed to the office of " Mr. Fowke;"—they properly conclude, that Mr. Fowke was removed without just cause to make way for Mr. Graham; and strictly enjoin, that the former be reinstated in his office of resident at post-master of Benares. In the same letter they assert their rights in a tone of becoming firmness, and declare, that " on no account we can permit " our orders to be disobeyed, or our authority dis- " regarded."

It was now to be seen, which of the parties was to give way. The orders were clear and precise, and enforced by a strong declaration of the resolution of the Court to make itself obeyed. Mr. Hastings fairly joined issue upon this point with his masters; and having disobeyed the general instructions of the Company, determined to pay no obedience to their special order.

On the 21st July 1778 he moved, and succeeded in his proposition, that the execution of these orders should be suspended. The reason he assigned for this suspension lets in great light upon the true character of all these proceedings, " that his consent

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" to the recall of Mr. Graham would be adequate " to his own resignation of the service, as it would " inflict such a wound on *his authority and influ-* " *ence*, that he could not maintain it."

If that had been his opinion he ought to have resigned, and not disobeyed; because it was not necessary that he should hold his office; but it was necessary that whilst he held it he should obey his superiours, and submit to the law. Much more truly was his conduct a virtual resignation of his lawful office, and at the same time an usurpation of a situation, which did not belong to him, to hold a subordinate office, and to refuse to act according to its duties. Had his authority been self-originated it would have been wounded by his submission; but in this case the true nature of his authority was affirmed, not injured, by his obedience, because it was a power derived from others, and, by its essence, to be executed according to their directions.

In this determined disobedience he was supported by Mr. Barwell, who on that occasion delivered the dangerous doctrine, to which Your Committee have lately adverted. Mr. Fowke, who had a most material interest in this determination, applied by letter to be informed concerning it. An answer was sent, acquainting him coldly, and without any reason assigned, of what had been resolved relative to his office. This communication was soon followed by another letter from Mr. Fowke, with

great submission and remarkable decency, asserting his right to his office under the authority of the Court of Directors; and for solid reasons, grounded on the Company's express orders, praying to be informed of the charge against him. This letter appears to have been received by Mr. Hastings and Mr. Barwell very loftily. Mr. Hastings said, "that "such applications were irregular; that they are "not accountable to Mr. Fowke for their resolution "respecting him. The reasons for suspending the "execution of the orders of the Court of Direc- "tors contain *no charge, nor the slightest imputa- "tion of a charge*, against Mr. Fowke; *but I see "no reason why the Board should condescend to tell "him so.*" Accordingly, the proposition of Mr. Francis and Mr. Wheler, to inform Mr. Fowke "that they had no reason to be dissatisfied with "his conduct," on the previous question, was re- jected.

By this resolution Mr. Hastings and Mr. Barwell discovered another principle, and no less danger- ous than the first; namely, that persons deriving a valuable interest under the Company's orders, so far from being heard in favour of their right, are not so much as to be informed of the grounds, on which they are deprived of it.

The arrival soon after of Sir Eyre Coote giving another opportunity of trial, the question for obe- dience to the Company's orders was again *brought on

* 1st and 5th April 1779.

on by Mr. Francis, and again received a negative. Sir Eyre Coote, though present, and declaring that, had he been at the original consultation he should have voted for the immediate execution of the Company's orders, yet was resolved to avoid what he called *any kind of retrospect*. His neutrality gained the question in favour of this the third resolution for disobedience to orders.

The resolution in Bengal being thus decisively taken, it came to the turn of the Court of Directors to act their part. They did act their part exactly in their old manner; they had recourse to their old remedy of repeating orders, which had been disobeyed. The Directors declare to Mr. Hastings and Mr. Barwell (though without any apparent reason) that "they have read *with astonishment their formal resolution* to suspend the execution of their orders; that they shall take such "measures as appear necessary for *preserving the authority of the Court of Directors*, and for preventing *such instances of direct and wilful* disobedience in their servants in time to come." They then renew their directions concerning Mr. Fowke. The event of this *sole* measure, taken to preserve their authority, and to prevent instances of direct and wilful disobedience, Your Committee will state in its proper place, taking into consideration, for the present, the proceedings relative to Mr. Bristow, and to Mahomed Reza Khân,

which were altogether in the same spirit; but as they were diversified in the circumstances of disobedience, as well from the case of Mr. Fowke as from one another, and as these circumstances tend to discover other dangerous principles of abuse, and the general prostrate condition of the authority of Parliament in Bengal, Your Committee proceed first to make some observations upon them.

The province of Oude, enlarged by the accession of several extensive and once flourishing territories, that is, by the country of the Rohillas, the district of Corah and Allahabad, and other provinces betwixt the Ganges and Jumna, is under the nominal dominion of one of the princes of the country, called Asoph ul Dowlah. But a body of English troops is kept up in his country; and the greatest part of his revenues are, by one description or another, substantially under the administration of English subjects. He is to all purposes a dependent prince. The person to be employed in his dominions to act for the Committee was therefore of little consequence in his capacity of negotiator; but he was vested with a trust, great and critical in all pecuniary affairs. These provinces of dependence lie out of the system of the Company's ordinary administration; and transactions there cannot be so readily brought under the cognizance of the Court of Directors. This renders it the more necessary that the residents in such places should be persons

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not disapproved of by the Court of Directors. They are to manage a permanent interest, which is not, like a matter of political negotiation, variable, and which, from circumstances, might possibly excuse some degree of discretionary latitude in construing their orders. During the life-time of General Clavering and Colonel Monson, Mr. Bristow was appointed to this presidency, and that appointment, being approved and confirmed by the Court of Directors, became in effect their own. Mr. Bristow appears to have shown himself a man of talents and activity. He had been principally concerned in the negotiations, by which the Company's interest in the higher provinces had been established; and those services were considered by the Presidency of Calcutta as so meritorious, that they voted him ten thousand pounds as a reward, with many expressions of esteem and honour.

Mr. Bristow, however, was recalled by Mr. Hastings and Mr. Barwell, who had then acquired the majority, without any complaint having been assigned as the cause of his removal, and Mr. Middleton was sent in his stead to reside at the capital of Oude. The Court of Directors, as soon as they could be apprized of this extraordinary step, in their letter of the 4th of July 1777, express their strongest disapprobation of it; they order Mr. Middleton to be recalled, and Mr. Bristow to be reinstated in his office. In December 1778, they

repeat their order. Of these repeated orders no notice was taken. Mr. Bristow, fatigued with unsuccessful private applications, which met with a constant refusal, did at length, on the 1st of May 1780, address a letter to the Board, making his claim of right; entitling himself to his offices under the authority of the Court of Directors; and complaining of the hardships, which he suffered by the delay in admitting him to the exercise of it. This letter Your Committee have inserted at large in the Fifth Report; having found nothing whatsoever exceptionable in it, although it seems to have excited the warmest resentment in Mr. Hastings.

This claim of the party gave no new force to the order of the Directors, which remained without any attention from the Board, from Mr. Bristow's arrival until the 1st of May, and with as little from the 1st of May to the 2d of October following. On that day Mr. Francis, after having caused the repeated orders of the Court of Directors to be first read, moved, that Mr. Bristow should be reinstated in his office. This motion, in itself just and proper in the highest degree, and in which no fault could be found, but that it was not made more early, was received by Mr. Hastings with the greatest marks of resentment and indignation. He declares in his Minute, that "were the most determined adver-" sary of the British nation to possess, by whatever

" means,

"means, a share in the administration, he could "not devise a measure in *itself* so pernicious, or "*time* it so effectually for the *ruin* of the British "interests in India." Then turning to the object of the motion, he says, "I will ask, who is Mr. "Bristow? that a Member of the Administration "should, at such a time, hold him forth as *an in-* "*strument for the degradation of the first executive* "*Member of this government.* What are the pro- "fessed objects of his appointment? What are "the *merits* and services, or what the *qualifications*, "which entitle him to such uncommon distinction? "Is it for his superiour *integrity*, or for his eminent "*abilities*, that he is to be dignified at such hazard "of every consideration, that ought to influence "the Members of this Administration? Of the "former (his integrity) I know *no proofs*; I am "sure it is not an evidence of it, that he has been "*enabled* to make himself the principal in such a "*competition*; and for the test of his abilities I "appeal to the letter, which he has *dared* to write "to this Board, and which I am ashamed to say "we have *suffered*. I desire that a copy of it may "be inserted in this day's proceedings, that it may "stand before the eyes of every Member of the "Board, when he shall give his vote upon a ques- "tion for giving their confidence to a man, *their* "*servant*, who has publickly insulted *them*, *his* "*masters*, and the Members of the Government,

" to whom he owes *his obedience*; who, assuming " an association with the Court of Directors, and " erecting himself into a *tribunal*, has *arraigned* " them for *disobedience* of orders, *passed judgment* " upon them, *and condemned, or acquitted, them, as* " *their magistrate or superiour.* Let the Board " consider, whether a man, possessed of so *inde-* " *pendent* a spirit, who has already shown a *con-* " *tempt* of their authority, who has shown himself " *so wretched an advocate for his own cause, and* " *negotiator for his own interest*, is fit to be trusted " with the guardianship of *their* honour, the exe- " cution of *their* measures, and as *their* confiden- " tial manager and negotiator with the princes of " India. As the motion has been unaccompanied " by any reasons, which should induce the Board " to pass their acquiescence in it, I presume the " motion, which preceded it, for *reading the orders* " *of the Court of Directors, was intended to serve* " *as an argument for it, as well as an introduction* " *to it.* The last of those was dictated the 23d " December 1778, almost two years past. They " were dictated at a time when, I am sorry to say, " the Court of Directors were in the *habit of cast-* " *ing reproach upon my conduct and heaping indig-* " *nities upon my station.*"

Had the language and opinions, which prevail throughout this part of the Minute, as well as in all the others, to which Your Committee refer,

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been uttered suddenly and in a passion, however unprovoked, some sort of apology might be made for the Governour-General. But when it was produced five months after the supposed offence, and then delivered in writing, which always implies the power of a greater degree of recollection and self-command, it shows how deeply the principles of disobedience had taken root in his mind, and of an assumption to himself of exorbitant powers, which he chooses to distinguish by the title of "*his prerogative.*" In this also will be found an obscure hint of the cause of his disobedience, which Your Committee conceive to allude to the main cause of the disorders in the Government of India, namely, an under-hand communication with Europe.

Mr. Hastings, by his confidence in the support derived from this source, or from the habits of independent power, is carried to such a length, as to consider a motion to obey the Court of Directors as a degradation of the executive Government in his person. He looks upon a claim under that authority, and a complaint that it has produced no effect, as a piece of daring insolence, which he is ashamed that the Board has suffered. The behaviour, which Your Committee consider as so intemperate and despotick, he regards as a culpable degree of patience and forbearance. Major Scott, his agent, enters so much into the principles of Mr. Hastings's conduct, as to tell Your Committee, that

that, in his opinion, Lord Clive would have sent home Mr. Bristow a prisoner upon such an occasion. It is worthy of remark, that in the very same breath that Mr. Hastings so heavily condemns a junior officer in the Company's service (not a *servant* of the Council, as he hazards to call him, but *their fellow-servant*) for merely complaining of a supposed injury, and requiring redress, he so far forgets his own subordination, as to reject the orders of the Court of Directors even as an *argument* in favour of appointing a person to an office; to presume to censure *his* undoubted masters; and to accuse them of having been "in a habit of casting "reproaches upon him, and heaping indignities "on *his* station." And it is to be observed, that this censure was not for the purpose of seeking or obtaining redress for any injury, but appeared rather as a reason for refusing to obey their lawful commands. It is plainly implied in that Minute, that no servant of the Company, in Mr. Bristow's rank, would dare to act in such a manner, if he had not by indirect means obtained a premature fortune. This alone is sufficient to show the situation of the Company's servants in the subordinate situations, when the mere claim of a right, derived from the sovereign legal power, becomes fatal not only to the objects, which they pursue, but deeply wounds that reputation both for ability and integrity, by which alone they are to be qualified for any other.

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If any thing could add to the disagreeable situation of those, who are submitted to an authority conducted on such principles, it is this: the Company has ordered, that no complaint shall be made in Europe against any of the Council without being previously communicated to them; a regulation formed upon grave reasons; and it was certainly made in *favour* of that Board. But if a person, having ground of complaint against the Council, by making use of the mode prescribed in favour of that very Council, and by complaining to themselves, commits an offence, for which he may be justly punished, the Directors have not regulated the mode of complaint; they have actually forbidden it; they have, on that supposition, renounced their authority; and the whole system of their officers is delivered over to the arbitrary will of a few of their chief servants.

During the whole day of that deliberation things wore a decided face. Mr. Hastings stood to his principles in their full extent, and seemed resolved upon unqualified disobedience. But, as the debate was adjourned to the day following, time was given for expedients; and such an expedient was hit upon by Mr. Hastings, as will, no doubt, be unexpected by the House; but it serves to throw new lights upon the motives of all his struggles with the authority of the Legislature.

The next day, the Council met upon the adjournment.

journment. Then Mr. Hastings proposed, as a compromise, a division of the object in question. One half was to be surrendered to the authority of the Court of Directors, the other was reserved for his dignity. But the choice he made of his own share in this partition is very worthy notice: he had taken his *sole* ground of objection against Mr. Bristow on the supposed ill effect, that such an appointment would have on the minds of the Indian Powers. He said, "that these Powers could have "no dependence on his fulfilling his engagements, "*or maintaining the faith of treaties*, which he "might offer for their acceptance, if they saw him "treated with such contempt." Mr. Bristow's appearing in a political character was the *whole* of his complaint; yet, when he comes to a voluntary distribution of the duties of the office, he gives Mr. Bristow those very political negotiations, of which but the day before he had in such strong terms declared him personally incapable; whose appointment he considered to be fatal to those negotiations; and which he then spoke of as a measure in *itself* such as the bitterest adversary to Great Britain would have proposed. But, having thus yielded his whole ground of ostensible objection, he reserved to his own appointment the entire management of the pecuniary trust. Accordingly he named Mr. Bristow for the former, and Mr. Middleton for the latter. On his own principles,

he ought to have done the very reverse. On every justifiable principle he ought to have done so; for a servant, who for a long time resists the orders of his masters, and when he reluctantly gives way, obeys them by halves, ought to be remarkably careful to make his actions correspond with his words, and to put himself out of all suspicion with regard to the purity of his motives. It was possible that the political reasons, which were solely assigned against Mr. Bristow's appointment, might have been the real motives of Mr. Hastings's opposition. But these he totally abandons, and holds fast to the pecuniary department. Now, as it is notorious that most of the abuses of India grow out of money-dealing, it was peculiarly unfit for a servant, delicate with regard to his reputation, to require a *personal* and confidential agent in a situation merely official; in which secresy and personal connexions could be of no possible use, and could only serve to excite distrust. Matters of account cannot be made too publick; and it is not the most confidential agent, but the most responsible, who is the fittest for the management of pecuniary trusts. That man was the fittest at once to do the duty, and to remove all suspicions from the Governour-General's character, whom, by not being of his appointment, he could not be supposed to favour for private purposes; who must naturally stand in awe of his inspection; and whose misconduct could not possibly be

imputable

imputable to him. Such an agency, in a pecuniary trust, was the very last, on which Mr. Hastings ought to have risked his disobedience to the orders of the Direction; or, what is even worse for his motives, a direct contradiction to all the principles, upon which he had attempted to justify that bold measure.

The conduct of Mr. Hastings in the affair of Mahomed Reza Khân was an act of disobedience of the same character, but wrought by other instruments. When the Duanny (or universal perception and management of the Revenues) of Bengal was acquired to the Company, together with the command of the army, the Nabob, or Governour, naturally fell into the rank rather of a subject, than that even of a dependent prince. Yet the preservation of such a power in such a degree of subordination with the criminal jurisdiction, and the care of the publick order annexed to it, was a wise and laudable policy. It preserved a portion of the Government in the hands of the natives; it kept them in respect; it rendered them quiet on the change; and it prevented that vast kingdom from wearing the dangerous appearance, and still more from sinking into the terrible state, of a country of conquest. Your Committee has already reported the manner, in which the Company (it must be allowed, upon pretences, that will not bear the slightest examination) diverted from its purposes a great part

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of the Revenues appropriated to the country Government; but they were very properly anxious, that what remained should be well administered. In the life-time of General Clavering and Colonel Monson, Mahomed Reza Khân, a man of rank among the natives, was judged by them the fittest person to conduct the affairs of the Nabob, as his Naib or deputy; an office well known in the ancient constitution of these provinces, at a time when the principal magistrates, by nature and situation, were more efficient. This appointment was highly approved, and in consequence confirmed by the Court of Directors. Mr. Hastings and Mr. Barwell, however, thought proper to remove him. To the authority of the Court of Directors they opposed the request of the Nabob, stating that he was arrived at the common age of maturity, and stood *in no need of a deputy to manage his affairs*. On former occasions Mr. Hastings conceived a very low opinion of the condition of the person, whom he thus set up against the authority of his masters. "On "a former occasion (as the Directors tell him), and "to serve a very different purpose, he had not "scrupled to declare it as visible as the sun, that "the Nabob was a mere pageant, without even the "*shadow of authority*." But on this occasion he became more substantial. Mr. Hastings and Mr. Barwell yielded to his representation, that a deputy

was

was not necessary, and accordingly Mahomed Reza Khân was removed from his office.

However, lest any one should so far mistrust their understanding as to conceive them the dupes of this pretext, they, who had disobeyed the Company's orders under colour that *no deputy was necessary*, immediately appoint another deputy. This independent prince, who, as Mr. Hastings said, "had an incontestable right to his situation, and "that it was his by inheritance," suddenly shrunk into his old state of insignificance, and was even looked upon in so low a light as to receive a severe reprimand from Mr. Hastings for *interposing* in the duties of his (the Deputy's) office.

The Company's orders, censuring this transaction in the strongest terms, and ordering Mahomed Reza Khân to be immediately restored to the office of Naib Subadar, were received in Calcutta in November 1779. Mr. Hastings acted on this with the firmness, which he had shown on other occasions; but in his principles he went further. Thinking himself assured of some extraordinary support, suitable to the open and determined defiance, with which he was resolved to oppose the lawful authority of his superiours, and to exercise a despotick power, he no longer adhered to Mr. Barwell's distinction of the orders, which had a tendency to bring his government into disrepute. This distinction afforded sufficient latitude to disobedience. But

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dière he disdained all sorts of colours and distinctions. He directly set up an independent right to administer the Government according to his pleasure; and he went so far as to bottom his claim to act independently of the Court of Directors on the very statute, which commanded his obedience to them.

He declared roundly, "that he should *not* yield "to the authority of the Court of Directors in *any* "instance, in which it should require his concession of the rights, which he held under an Act of "Parliament." It is too clear to stand in need of proof, that he neither did or could hold any authority, that was not subject, in every particle of it, and in every instance, in which it could be exercised, to the Orders of the Court of Directors.

He therefore refused to back the Company's orders with any requisition from himself to the Nabob, but merely suffered them to be transmitted to him, leaving it to him to do just as he thought proper. The Nabob, who called Mr. Hastings "his patron, and declared he would never do any "thing without his consent and approbation," perfectly understood this kind of signification. For the second time, the Nabob recovered from his trance of pageantry and insignificancy, and collected courage enough to write to the Council in these terms: "I administer the affairs of the Nizamut "(the Government), which are the affairs of my

" *own family*, by my *own authority*, and shall do " so; and I never can *on any account agree* to the " appointment of the Nabob Mahomed Reza Khân " to the Naib Subahship." Here was a second independent power in Bengal. This answer from that power proved as satisfactory as it was resolute. No further notice was taken of the orders of the Court of Directors, and Mahomed Reza Khân found their protection much more of a shadow, than the pageant of power, of which he aspired to be the representative.

This act of disobedience differs from the others in one particular, which, in the opinion of Your Committee, rather aggravates than extenuates the offence. In the others, Messrs. Hastings and Barwell took the responsibility on themselves; here they held up the pretext of the Country Government. However, they obtained thereby one of the objects, which they appear to have systematically pursued. As they had in the other instances shown to the British servants of the Company that the Directors were not able to protect them, here the same lesson was taught to the natives. Whilst the matter lay between the native power and the servants, the former was considered by Mr. Hastings in the most contemptible light. When the question was between the servants and the Court of Directors, the native power was asserted to be a self-

derived,

derived, hereditary, uncontrollable authority, and encouraged to act as such.

In this manner the authority of the British Legislature was at that time treated with every mark of reprobation and contempt. But soon after, a most unexpected change took place, by which the persons, in whose favour the Court of Directors had in vain interposed, obtained specifick objects, which had been refused to them; things were, however, so well contrived, that legal authority was nearly as much affronted by the apparent compliance with their orders, as by the real resistance they had before met with. After long and violent controversies, an agreement took place between Mr. Hastings and Mr. Francis. It appears, that Mr. Hastings, embarrassed with the complicated wars and ruinous expenses, into which his measures had brought him, began to think of procuring peace at home. The agreement originated in a conversation, held on Christmas-day 1779, between Major Scott, then aid-de-camp, and now agent, to Mr. Hastings, and Mr. Ducarrel, a gentleman high in the Company's service at Calcutta. Mr. Scott, in consequence of this conversation, was authorized to make overtures to Mr. Francis through Mr. Ducarrel; to declare Mr. Hastings tired of controversy, expressing his wish to have the Mahratta war entirely left to him:—that there were certain points *he could not give up;* that he could *not* (for reasons he then

assigned) *submit* to the restoration of Mr. Fowke, Mahomed Reza Khân, and Mr. Bristow; that *he had not the smallest personal objection to them*, and would willingly provide for them in any other line.

Mr. Francis, in this treaty, insisted on those very points, which Mr. Hastings declared he could never give up; and that his conditions were the Company's orders; that is, the restoration of the persons, whom they had directed to be restored. The event of this negotiation was, that Mr. Hastings at length submitted to Mr. Francis, and that Mr. Fowke and Mahomed Reza Khân were reinstated in their situations.

Your Committee observe on this part of the transaction of Mr. Hastings, that as long as the question stood upon his obedience to his lawful superiours, so long he considered the restoration of these persons as a gross indignity, the submitting to which would destroy all his credit and influence in the country. But when it was to accommodate his own occasions in a treaty with a fellow-servant, all these difficulties instantly vanish; and he finds it perfectly consistent with his dignity, credit, and influence, to do for Mr. Francis what he had refused to the strict and reiterated injunctions of the Court of Directors. Tranquillity was, however, for a time restored by this measure, though it did not continue long. In about three months an occasion occurred, in which Mr. Francis gave some opposition

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to a measure proposed by Mr. Hastings; which brought on a duel; upon the mischievous effects of which Your Committee have already made their observations.

The departure of Mr. Francis soon after for Europe opened a new scene, and gave rise to a third revolution. Lest the arrangement with the servants of the Company should have the least appearance of being mistaken for obedience to their superiours, Mr. Francis was little more than a month gone, when Mr. Fowke was again recalled from Benares, *and Mr. Bristow soon after from Oude.* In these measures Mr. Hastings has combined the principles of disobedience, which he had used in all the cases hitherto stated. In his Minute of Consultation on this recall he refers to his former Minutes; and he adds, that he has "a recent mo-" tive in the necessity of removing any circum-" stance, which may contribute to lessen his *in-*" *fluence* in the effect of any negotiations, in which " he may be engaged in the prosecution of his in-" tended visit to Lucknow." He here reverts to his old plea of preserving his influence; not content with this, as in the case of Mahomed Reza Khân he had called in the aid of the Nabob of Bengal, he here calls in the aid of the Nabob of Oude, who, on reasons exactly tallying with those given by Mr. Hastings, desires that Mr. Bristow may be removed. The true weight of these

requisitions will appear, if not sufficiently apparent from the known situation of the parties, by the following extract of a letter from this Nabob of Oude to his agent at Calcutta, desiring him to acquaint Mr. Hastings, that "if it is proper I will "write to the King [of Great Britain] and the "Vizier [one of His Majesty's ministers] and the "Chief of the Company, *in such a manner as he "shall direct, and in the words, that he shall order,* "that Mr. Bristow's views may be thwarted there." There is no doubt of the entire co-operation of the Nabob Asoph ul Dowlah in all the designs of Mr. Hastings, and in thwarting the views of any persons, who place their reliance on the authority of this kingdom.

As usual, the Court of Directors appear in their proper order in the procession. After this third act of disobedience with regard to the same person and the same office, and after calling the proceedings unwarrantable, "*in order to vindicate and "uphold their own authority, and thinking it a duty "incumbent on them to maintain the authority of "the Court of Directors,*" they again order Mr. Bristow to be reinstated, and Mr. Middleton to be recalled; in this circle the whole moves with great regularity.

The extraordinary operations of Mr. Hastings, that soon after followed in every department, which was the subject of all these acts of disobedience,

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have made them appear in a light peculiarly unpropitious to his cause. It is but too probable from his own accounts, that he meditated some strong measure, both at Benares and at Oude, at the very time of the removal of those officers. He declares he knew that his conduct in those places was such as to lie very open to malicious representations. He must have been sensible that he was open to such representations from the beginning; he was therefore impelled by every motive, which ought to influence a man of sense, by no means to disturb the order, which he had last established.

Of this, however, he took no care; but he was not so inattentive to the satisfaction of the sufferers, either in point of honour or of interest. This was most strongly marked in the case of Mr. Fowke. His reparation to that gentleman, in point of honour, is as full as possible. Mr. Hastings "declared "that he approved his character and his conduct "in office, and believed that he might *depend* upon "*his exact and literal obedience and fidelity* in the "execution of the functions annexed to it." Such is the character of the man, whom Mr. Hastings a second time removed from the office, to which he told the Court of Directors, in his letter of the 3d of March 1780, he had appointed him in conformity to their orders. On the 14th of January 1781, he again finds it an indispensable obligation in him to exercise powers "*inherent* in the constitution of

" his Government." On this principle he claimed " the right of nominating the agent of his own " choice to the residence of Benares; that it is a " representative situation; that speaking for myself " *alone* it may be *sufficient* to say, that Mr. Francis " Fowke is not *my* agent; *that I cannot give him* " *my confidence;* that, while he continues at Be- " nares, he stands as a screen between the Rajah " and this Government, instead of an instrument " of control; that the Rajah himself, and every " Chief in Hindostan, will regard it as the pledge " and foundation of his independence." Here Mr. Hastings has got back to his old principles, where he takes post as on strong ground. This he declares " to be his objection to Mr. Fowke, and " that it is insuperable." The very line before this paragraph he writes of this person, to whom he *could* not give his *confidence*, that " he believed he " might *depend* upon *his fidelity*, and his exact and " literal obedience." Mr. Scott, who is authorized to defend Mr. Hastings, supported the same principles before Your Committee by a comparison, that avowedly reduces the Court of Directors to the state of a party against their servants. He declared, that in his opinion " it would be just *as* " *absurd* to *deprive him* of the power of nominating " his ambassadour at Benares, as it would be to " force on the *Ministry* of this country an ambas- " sadour from *the Opposition.*" Such is the opinion

entertained in Bengal, and that but too effectually realized, of the relation between the principal servants of the Company and the Court of Directors.

So far the reparation, in point of honour, to Mr. Fowke was complete. The reparation, in point of interest, Your Committee do not find to have been equally satisfactory: but they do find it to be of the most extraordinary nature, and of the most mischievous example. Mr. Fowke had been deprived of a place of rank and honour; the place of a publick Vackeel, or representative. The recompense provided for him is a succession to a contract. Mr. Hastings moved, that on the expiration of Colonel Morgan's contract he should be appointed agent to all the boats employed for the military service of that establishment, with a commission of *fifteen per cent. on all disbursements in that office;* permitting Mr. Fowke, at the same time, to draw his allowance of an hundred pounds a month, as Resident, until the expiration of the contract, and for three months after.

Mr. Hastings is himself struck, as every one must be, with so extraordinary a proceeding; the principle of which he observes "is liable to *one* mate-"rial objection." That one is material indeed; for no limit being laid down for the expense, in which the per-centage is to arise, it is the direct interest of the person employed to make his department as expensive as possible. To this Mr. Hastings answers,

answers, that "he is convinced by experience it "will be better performed;" and yet, he immediately after subjoins, "this *defect* can *only* be cor- "rected by the probity of the person intrusted with "so important a charge; and I am willing to have "it understood as a proof of *the confidence I repose* "*in Mr. Fowke*, that I have proposed his appoint- "ment, in opposition *to a general principle*, to a "trust so constituted."

In the beginning of this very Minute of Consultation, Mr. Hastings removes Mr. Fowke from the residency of Benares, because "he cannot give "him his confidence;" and yet, before the pen is out of his hand, he violates one of the soundest general principles in the whole system of dealing, in order to give a proof of the confidence he reposes in that gentleman. This apparent gross contradiction is to be reconciled but by one way; which is, that confidence with Mr. Hastings comes and goes with his opposition to legal authority. Where that authority recommends any person, his confidence in him vanishes; but, to show that it is the authority, and not the person, he opposes, when that is out of sight, there is no rule so sacred, which is not to be violated to manifest his real esteem and perfect trust in the person, whom he has rejected. However, by overturning general principles to compliment Mr. Fowke's integrity, he does all in his power to corrupt it; at the same time he establishes an

example,

example, that must either subject all future dealings to the same pernicious clause, or which, being omitted, must become a strong implied charge on the integrity of those, who shall hereafter be excluded from a trust so constituted.

It is not foreign to the object of Your Committee in this part of their observations, which relates to the Obedience to Orders, to remark upon the manner, in which the Orders of the Court of Directors, with regard to this kind of dealing in contracts, are observed. These Orders relate to contracts; and they contain two standing regulations.

1st. That all contracts shall be publickly advertised, and that the most reasonable proposals shall be accepted.

2dly. That two contracts, those of Provisions and for Carriage Bullocks, shall be only annual.

These Orders are undoubtedly some correctives to the abuses, which may arise in this very critical article of publick dealing. But the House will remark, that if the business usually carried on by contracts can be converted at pleasure into agencies, like that of Mr. Fowke, all these regulations perish of course; and there is no direction whatsoever for restraining the most prodigal and corrupt bargains for the publick.

Your Committee have inquired into the observance of these necessary regulations; and they find that they have, like the rest, been entirely contemned,

temned, and contemned with entire impunity. After the period of Colonel Monson's death, and Mr. Hastings and Mr. Barwell obtained the lead in the Council, the contracts were disposed of without at all advertising for proposals. Those in 1777 were given for three years; and the gentlemen in question growing, by habit and encouragement, into more boldness, in 1779 the contracts were disposed of for five years; and this they did at the eve of the expiration of their own appointment to the Government. This increase in the length of the contracts, though contrary to orders, might have admitted some excuse, if it had been made, even in appearance, the means of lessening the expense. But the advantages allowed to the contractors, instead of being diminished, were enlarged, and in a manner far beyond the proportion of the enlargement of terms. Of this abuse and contempt of orders a judgment may be formed by the single contract for supplying the army with draught and carriage-bullocks. As it stood at the expiration of the contract in 1779, the expense of that service was about one thousand three hundred pounds a month. By the new contract, given away in September of that year, the service was raised to the enormous sum of near six thousand pounds a month. The monthly increase therefore being four thousand seven hundred pounds, it constitutes a total increase of charges for the Company, in the five years of the contract, of

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no less a sum than two hundred and thirty-five thousand pounds. Now, as the former contract was, without doubt, sufficiently advantageous, a judgment may be formed of the extravagance of the present. The terms, indeed, pass the bounds of all allowance for negligence and ignorance of office.

The case of Mr. Bellis's contract for supplying provisions to the fort is of the same description; and, what exceedingly increases the suspicion against this profusion in contracts, made in direct violation of orders, is, that they are always found to be given in favour of persons closely connected with Mr. Hastings in his family, or even in his actual service.

The principles, upon which Mr. Hastings and Mr. Barwell justify this disobedience, if admitted, reduce the Company's Government, so far as it regards the Supreme Council, to a mere patronage; to a mere power of nominating persons to, or removing them from, an authority, which is not only despotick with regard to those, who are subordinate to it, but, in all its acts, entirely independent of the legal power, which is nominally superiour. These are principles directly leading to the destruction of the Company's Government. A correspondent practice being established, (as in this case of contracts as well as others it has been), the means are furnished of effectuating this purpose; for the common

common Superiour, the Company, having no power to regulate or to support their own appointments, nor to remove those, whom they wish to remove, nor to prevent the contracts from being made use of against their interest, all the English in Bengal must naturally look to the next in authority; they must depend upon, follow, and attach themselves to him solely. And thus a party may be formed of the whole system of Civil and Military Servants for the support of the subordinate, and defiance of the Supreme, Power.

Your Committee being led to attend to the abuse of contracts, which are given upon principles fatal to the subordination of the service, and in defiance of orders, revert to the disobedience of orders in the case of Mahomed Reza Khân.

This transaction is of a piece with those, that preceded it. On the 6th of July 1781 Mr. Hastings announced to the Board the arrival of a messenger, and introduced a requisition from the young Nabob Mobarek ul Dowla, "that he might be *permitted* "*to dispose of his own stipend, without being made* "*to depend on the will of another.*" In favour of this requisition Mr. Hastings urged various arguments:—that the Nabob could no longer be deemed a minor;—that he was twenty-six years of age, and father of many children;—that his understanding was much improved *of late* by an attention to his education;—that these circumstances gave him a claim

claim to the uncontrolled exercise of domestick authority; and it might reasonably be supposed, that he would pay a greater regard to a just economy in his own family than had been observed by those, who were aliens to it. For these reasons Mr. Hastings recommended to the Board, that Mahomed Reza Khân should be immediately divested of the office of superintendant of the Nabob's household, *and that the Nabob Mobarek ul Dowla should be intrusted with the exclusive and entire receipts and disbursements of his stipend, and the uncontrolled management and regulation of his household.*—Thus far Your Committee are of opinion, that the conclusion corresponds with the premises; for, supposing the fact to be established, or admitted, that the Nabob, in point of age, capacity, and judgment, was qualified to act for himself, it seems reasonable that the management of his domestick affairs should not be withheld from him. On this part of the proceeding Your Committee will only observe, that if it were strictly true that the Nabob's understanding had been much improved *of late* by an attention to his education, (which seems an extraordinary way of describing the qualifications of a man of six-and-twenty, the father of many children), the merit of such improvement must be attributed to Mahomed Reza Khân, who was the only person of rank and character connected with him, or who could be supposed to have any influence over

over him. Mr. Hastings himself reproaches the Nabob with *raising mean men to be his companions;* and tells him plainly, *that some persons, both of bad character and base origin, had found the means of insinuating themselves into his company and constant fellowship.*—In such society it is not likely that either the Nabob's morals or his understanding could have been *much improved;* nor could it be deemed prudent to leave him without any check upon his conduct.—Mr. Hastings's opinion on this point may be collected from what he did, but by no means from what he said, on the occasion.

The House will naturally expect to find that the Nabob's request was granted, and that the resolution of the Board was conformable to the terms of Mr. Hastings's recommendation. Yet the fact is directly the reverse. Mr. Hastings, after advising *that the Nabob should be intrusted with the exclusive and entire receipts and disbursements of his stipend,* immediately corrects that advice, *being aware that so sudden and unlimited a disposal of a large revenue might at first encourage a spirit of dissipation in the Nabob;* and reserves to *himself* a power of establishing, *with the Nabob's consent,* such a plan for the regulation and equal distribution of the Nabob's expenses, *as should be adapted to the dissimilar appearances of preserving his interests and his independence at the same time.* On the same complicated principles the subsequent resolution of the

the Board professes to allow the Nabob the management of his stipend and expenses; with *an hope*, however, (which, considering the relative situation of the parties, could be nothing less than an injunction) that he would submit to such a plan *as should be agreed on between him* and the Governour-General.

The drift of these contradictions is sufficiently apparent. Mahomed Reza Khân was to be divested of his office at all events, and the management of the Nabob's stipend committed to other hands. To accomplish the first, the Nabob is said to be "now arrived at that time of life when a man may "be supposed capable, *if ever*, of managing his "own concerns." When this principle has answered the momentary purpose, for which it was produced, we find it immediately discarded, and an opposite resolution formed on an opposite principle, *viz.* that he shall *not* have the management of his own concerns *in consideration of his want of experience.*

Mr. Hastings, on his arrival at Moorshedabad, gives Mr. Wheler an account of his interview with the Nabob, and of the Nabob's implicit submission to his advice. The principal, if not the sole, object of the whole operation appears from the result of it. Sir John D'Oyly, a gentleman, in whom Mr. Hastings places particular confidence, succeeds to the office of Mahomed Reza Khân, and to the

same control over the Nabob's expenses. Into the hands of this gentleman the Nabob's stipend was *to be immediately paid, as every intermediate channel would be an unavoidable cause of delay;* and to *his* advice the Nabob was required to give the same attention as if it were given by Mr. Hastings himself. One of the conditions prescribed to the Nabob was, that he should admit no Englishman to his presence without previously consulting Sir John D'Oyly; *and he must forbid any person of that nation to be intruded without his introduction.* On these arrangements it need only be observed, that a measure, which sets out with professing to relieve the Nabob from a state of *perpetual pupilage,* concludes with delivering not only his fortune but his person to the custody of a particular friend of Mr. Hastings.

The instructions given to the Nabob contain other passages, that merit attention. In one place Mr. Hastings tells him, "you have offered to give "up the sum of four lacks of rupees to be allowed "the free use of the remainder; but this we have "refused." In another he says, that, "*as many "matters will occur, which cannot be so easily ex- "plained by letter as by conversation,* I desire that "you will on such occasions give your orders to "Sir John D'Oyly, respecting such points as you "may desire to have imparted to *me.*" The offer alluded to in the first passage does not appear in

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the Nabob's letters, therefore must have been in conversation, and declined by Mr. Hastings without consulting his colleague. A refusal of it might have been proper; but it supposes a degree of incapacity in the Nabob not to be reconciled to the principles, on which Mahomed Reza Khân was removed from the management of his affairs.

Of the matters alluded to in the second, and which, it is said, *could not be so easily explained by letters as in conversation*, no explanation is given. Your Committee will therefore leave them, as Mr. Hastings has done, to the opinion of the House.

As soon as the Nabob's requisition was communicated to the Board, it was moved, and resolved, that Mahomed Reza Khân should be divested of his office; and the House have seen in what manner it was disposed of. The Nabob had stated various complaints against him:—that he had dismissed the old established servants of the Nizamut, and filled their places with his own dependents:—that he had *regularly received* the stipend of the Nizamut from the Company, yet had kept the Nabob involved in debt and distress, and exposed to the clamours of his creditors; and sometimes even in want of a dinner. All these complaints were recorded at large in the proceedings of the Council; but it does not appear that they were ever communicated to Mahomed Reza Khân, or that he was ever called upon, in any shape, to answer them.

This circumstance inclines Your Committee to believe, that all of these charges were groundless; especially as it appears on the face of the proceedings, that the chief of them were not well founded. Mr. Hastings, in his letter to Mr. Wheler, urges the necessity of the monthly payment of the Nabob's stipend *being regularly made*; and says, that, to relieve the Nabob's present wants, he had directed the Resident to raise an immediate supply on the credit of the Company, to be repaid from the first receipts. From hence Your Committee conclude, that the monthly payments had *not* been regularly made; and that whatever distresses the Nabob might have suffered must have been owing to the Governour-General and Council, not to Mahomed Reza Khân; who, for aught that appears to the contrary, paid away the stipend as fast as he received it. Had it been otherwise, that is, if Mahomed Reza Khân had reserved a balance of the Nabob's money in his hands, he should, and undoubtedly he would, have been called upon to pay it in; and then there would have been no necessity for raising an immediate supply by other means.

The transaction, on the whole, speaks very sufficiently for itself. It is a gross instance of repeated disobedience to repeated orders; and it is rendered particularly offensive to the authority of the Court of Directors by the frivolous and contradictory reasons assigned for it. But, whether the Nabob's

requisition

requisition was reasonable or not, the Governour-General and Council were precluded by a special instruction from complying with it. The Directors, in their letter of the 14th of February 1779, declare, that a resolution of Council (taken by Mr. Francis and Mr. Wheler, in the absence of Mr. Barwell), *viz.* "that the Nabob's letter should be "referred to *them* for *their* decision; and that no "resolution should be taken in Bengal, on his re-"quisitions, without their special orders and in-"structions," was very proper. They prudently reserved to themselves the right of deciding on such questions; but they reserved it to no purpose. In England the authority is purely formal. In Bengal the power is positive and real. When they clash, their opposition serves only to degrade the authority, that ought to predominate, and to exalt the power, that ought to be dependent.

Since the closing of the above Report many material Papers have arrived from India, and have been laid before Your Committee: that, which they think it most immediately necessary to annex to the Appendix to this report, is the resolution of the Council-General to allow to the members of the Board of Trade, resident in Calcutta, a charge of five per cent. on the sale in England of the Investment formed upon their second plan, namely, that plan, which had been communicated to Lord

Macartney. The Investment on this plan is stated to be raised from £. 800,000 to £. 1,000,000 sterling.

It is on all accounts a very memorable transaction, and tends to bring on a heavy burthen, operating in the nature of a tax, laid by their own authority on the goods of their masters in England. If such a compensation to the Board of Trade was necessary on account of their engagement to take no further (that is to say, no unlawful) emolument, it implies, that the practice of making such unlawful emolument had formerly existed; and Your Committee think it very extraordinary, that the first notice the Company had received of such a practice should be, in taxing them for a compensation for a partial abolition of it, secured on the parole of honour of those very persons, who are supposed to have been guilty of this unjustifiable conduct. Your Committee consider this engagement, if kept, as only a partial abolition of the implied corrupt practice, because no part of the compensation is given to the members of the Board of Trade, who reside at the several factories, though their means of abuse are without all comparison greater; and if the corruption was supposed so extensive as to be bought off at that price where the means were fewer, the House will judge how far the tax has purchased off the evil.

ELEVENTH REPORT,

From the SELECT COMMITTEE appointed to take into consideration the state of the Administration of Justice in the provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House; with their observations thereupon; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest security and advantage to this Country; and by what means the happiness of the Native Inhabitants may be best promoted. —(1783.)

YOUR Committee, in the course of their inquiry into the obedience yielded by the Company's servants to the orders of the Court of Directors, (the authority of which orders had been strengthened by the Regulating Act of 1773,) could not overlook one of the most essential objects of that Act, and of those orders, namely, the taking of *gifts and presents*. These pretended free gifts from the Natives to the Company's servants in

power had never been authorized by law; they are contrary to the covenants formerly entered into by the President and Council; they are strictly forbidden by the Act of Parliament; and forbidden upon grounds of the most substantial policy.

Before the Regulating Act of 1733, the allowances made by the Company to the Presidents of Bengal were abundantly sufficient to guaranty them against any thing like a necessity for giving into that pernicious practice. The Act of Parliament, which appointed a Governour-General in the place of a President, as it was extremely particular in enforcing the prohibition of those presents, so it was equally careful in making an ample provision for supporting the dignity of the office, in order to remove all excuse for a corrupt increase of its emoluments.

Although evidence on record, as well as verbal testimony, has appeared before Your Committee of presents to a large amount having been received by Mr. Hastings and others before the year 1775, they were not able to find distinct traces of that practice in him, or any one else, for a few years.

The inquiry set on foot in Bengal by order of the Court of Directors in 1775 with regard to all corrupt practices, and the vigour, with which they were for some time pursued, might have given a temporary check to the receipt of presents, or might have produced a more effectual concealment

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of them; and afterwards, the calamities, which befell almost all, who were concerned in the first discoveries, did probably prevent any further complaint upon the subject; but, towards the close of the last session, Your Committee have received much of new and alarming information concerning that abuse.

The first traces appeared, though faintly and obscurely, in a letter to the Court of Directors from the Governour-General, Mr. Hastings, written on the 29th of November 1780. It has been stated in a former Report of Your Committee, that on the 26th of June 1780 Mr. Hastings, being very earnest in the prosecution of a particular operation in the Mahratta war, in order to remove objections to that measure, which were made on account of the expense of the contingencies, offered to *exonerate* the Company from that "charge."—Continuing his Minute of Council, he says: "That sum "(a sum of about £. 23,000,) I have already de- "posited, within a small amount, in the hands of "the sub-treasurers; and I *beg* that the Board "will *permit* it to be accepted for that service." Here he offers in his own person; he deposits, or pretends that he deposits, in his own person; and, with the zeal of a man eager to pledge his private fortune in support of his measures, he prays that his offer may be accepted. Not the least hint that he was delivering back to the Company money of their

Appendix, B. N° 1. Vide Supplement to the 2d Report, page 7.

their own, which he had secreted from them. Indeed, no man ever made it a request, much less earnestly entreated, "begged to be permitted," to pay to any persons, publick or private, money, that was their own.

It appeared to Your Committee, that the money offered for that service, which was to forward the operations of a detachment under Colonel Camac, in an expedition against one of the Mahratta Chiefs, was not accepted. And Your Committee, having directed search to be made for any sums of money paid into the treasury by Mr. Hastings for this service, found that, notwithstanding his assertion of having deposited "two lacks of rupees, or within "a trifle of that sum, in the hands of the sub-treasurer," no entry whatsoever of that, or any other payment by the Governeur-General, was made in the Treasury Accounts, at or about that time. This circumstance appeared very striking to Your Committee, as the non-appearance in the Company's books of the article in question must be owing to one or other of these four causes:—that the assertion of Mr. Hastings, of his having paid in near two lacks of rupees at that time, was not true; or, that the sub-treasurer may receive great sums in deposit without entering them in the Company's Treasury Accounts; or that the Treasury-books themselves are records not to be depended on; or, lastly, that faithful copies of these books of accounts are not transmitted

Appendix, B. N° 2.

transmitted to Europe. The defect of an entry, corresponding with Mr. Hastings's declaration in Council, can be attributed only to one of these four causes; of which the want of foundation in his recorded assertion, though very blamable, is the least alarming.

On the 29th of November following, Mr. Hastings communicated to the Court of Directors some sort of notice of this transaction. In his letter of that date he varies, in no small degree, the aspect, under which the business appeared in his Minute of Consultation of the 26th of June. In his letter he says to the Directors, "the subject is now become "obsolete; the fair hopes, which I had built upon "the prosecution of the Mahratta war, have been "blasted by the dreadful calamities, which have "befallen your Presidency of Fort Saint George; "and changed the object of our pursuit, from the "*aggrandizement* of your power to its preserva-"tion." After thus confessing, or rather boasting, of his motives to the Mahratta war, he proceeds: "my present reason for reverting to my own con-"duct on the occasion, which I have mentioned," (namely, his offering a sum of money for the Company's service) "is to obviate *the false conclusions*, "*or purposed misrepresentations*, which may be "made of it, either as an artifice of *ostentation*, "or the effect of *corrupt influence*, by assuring you, "that the money, *by whatever means it came into* "*my* Vide Appendix, B. No 1.

" *my possession, was not my own;* that I had myself " *no right* to it, nor would or could have received it " but for the occasion, which prompted me to avail " myself *of the accidental means,* which were at " that instant afforded me, of accepting and con- " verting it to the property and use of the Com- " pany; and with this brief apology I shall dismiss " the subject."

The apology is brief indeed, considering the nature of the transaction; and, what is more material than its length or its shortness, it is in all points unsatisfactory. The matter becomes, if possible, more obscure by his explanation. Here was money received by Mr. Hastings, which, according to his own judgment, he had no right to receive; it was money, which " (but for the occasion, that " prompted him) he could not have accepted;" it was money, which came into his, and from his into the Company's, hands by ways and means undescribed, and from persons un-named; yet, though apprehensive of false conclusions, and purposed misrepresentations, he gives his employers no insight whatsoever into a matter, which of all others stood in the greatest need of a full and clear elucidation.

Although he chooses to omit this essential point, he expresses the most anxious solicitude to clear himself of the charges, that might be made against him, of the artifices of ostentation, and of corrupt influence

influence. To discover, if possible, the ground for apprehending such imputations, Your Committee adverted to the circumstances, in which he stood at the time:—they found that this letter was dispatched about the time that Mr. Francis took his passage for England; his fear of misrepresentation may therefore allude to something, which passed in conversation between him and that gentleman at the time the offer was made.

It was not easy, on the mere face of his offer, to give an ill turn to it. The act, as it stands on the Minute, is not only disinterested, but generous, and publick-spirited. If Mr. Hastings apprehended misrepresentation from Mr. Francis, or from any other person, Your Committee conceive that he did not employ proper means for defeating the ill designs of his adversaries. On the contrary, the course he has taken in his letter to the Court of Directors is calculated to excite doubts and suspicions in minds the most favourably disposed to him. Some degree of ostentation is not extremely blamable, at a time when a man advances largely from his private fortune towards the publick service. It is human infirmity at the worst, and only detracts something from the lustre of an action in itself meritorious. The kind of ostentation, which is criminal, and criminal only because it is fraudulent, is where a person makes a show of giving when in reality he does not give. This imposition is criminal

more or less according to the circumstances. But if the money received to furnish such a pretended gift is taken from any third person, without right to take it, a new guilt, and guilt of a much worse quality and description, is incurred. The Governour-General, in order to keep clear of ostentation, on the 29th of November 1780 declares, that the sum of money, which he offered on the 26th of the preceding June as his own, was not his own, and that he had no right to it. Clearing himself of vanity, he convicts himself of deceit, and of injustice.

The other object of this brief apology was to clear himself of *corrupt influence*. Of all ostentation he stands completely acquitted in the month of November, however he might have been faulty in that respect in the month of June; but, with regard to the other part of the apprehended charge, namely, *corrupt influence*, he gives no satisfactory solution —a great sum of money "not his own"—money, to which "he had no right"—money, which came into his possession "by whatever means:"—if this be not money obtained by corrupt influence, or by something worse, that is, by violence or terrour, it will be difficult to fix upon circumstances, which can furnish a presumption of unjustifiable use of power and influence in the acquisition of profit. The last part of the apology—that he had converted this money ("which he had no right to receive") to

to the Company's use (so far as Your Committee can discover) *does no where appear*. He speaks, in the Minute of the 26th of June, as having *then* actually deposited it for the Company's service. In the letter of November, he says, that he converted it to the Company's property; but there is no trace, in the Company's books, of its being ever brought to their credit in the expenditure for any specifick service, even if any such entry and expenditure could justify him in taking money, which he had, by his own confession, "no right to receive."

The Directors appear to have been deceived by this representation; and, in their letter of January 1782, consider the money as actually paid into their treasury. Even under their errour concerning the application of the money, they appear rather alarmed than satisfied with the brief apology of the Governour-General. They consider the whole proceeding as *extraordinary and mysterious*. They, however, do not condemn it with any remarkable asperity; after admitting that he might be induced to a temporary secrecy, *respecting the Members of the Board*, from a fear of their resisting the proposed application, or any application of this money to the Company's use; yet they write to the Governour-General and Council as follows:—"It "does not appear to us that there could be any "real necessity for delaying to communicate to *us* "immediate information of the *channel*, by which "the

Appendix B. N° 7.

" the money came into Mr. Hastings's possession; " with a complete illustration of the cause or " causes of so *extraordinary* an event." And again: " the means proposed of defraying the " extra expenses are very *extraordinary*; and the " money, we conceive, must have come into his " hands by an *unusual* channel; and when more " complete information comes before us we shall " give our sentiments fully on the transaction." And, speaking of this and other monies under a similar description, they say, " we shall suspend " our judgment, without approving it in the least " degree, or proceeding to censure our Governour-" General for this transaction." The expectations entertained by the Directors of a more complete explanation were natural, and their expression tender and temperate. But the more complete information, which they naturally expected, they never have to this day received.

Appendix B. N° 3, and N° 5. Mr. Hastings wrote two more letters to the Secret Committee of the Court of Directors, in which he mentions this transaction. The first dated (as he asserts, and a Mr. Larkins swears) on the 22d of May 1782; the last, which accompanied it, so late as the 16th of December in the same year.

Appendix B. N° 6. Though so long an interval lay between the transaction of the 26th of June 1780, and the middle of December 1782 (upwards of two years) no further satisfaction is given. He has written, since

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the receipt of the above letter of the Court of Directors (which demanded, what they had a right to demand, a clear explanation of the particulars of this sum of money, which he had no right to receive), without giving them any further satisfaction. Instead of explanation or apology, he assumes a tone of complaint and reproach to the Directors—He lays before them a kind of an account of presents received to the amount of upwards of £. 200,000, some at a considerable distance of time, and which had not been hitherto communicated to the Company.

In the letter, which accompanied that very extraordinary account, which then for the first time appeared, he discovers no small solicitude to clear himself from the imputation of having these discoveries drawn from him by the terrours of the Parliamentary inquiries then on foot. To remove all suspicion of such a motive for making these discoveries, Mr. Larkins swears, in an affidavit made before Mr. Justice Hyde, bearing even date with the letter, which accompanies the account, that is, of the 16th of December 1782, that this letter had been written by him on the 22d of May, several months before it was dispatched. It appears that Mr. Larkins, who makes this voluntary affidavit, is neither Secretary to the Board, nor Mr. Hastings's private Secretary, but an officer of the Treasury of Bengal.

Vide Larkins's Affidavit, Appendix B. N°. 5.

Mr. Hastings was conscious that a question would inevitably arise, how he came to delay the sending intelligence of so very interesting a nature from May to December? He therefore thinks it necessary to account for so suspicious a circumstance. He tells the Directors, "that the dispatch "of the Lively having been protracted from time "to time, the accompanying address, which was "originally designed and prepared for that dis-"patch, *and no other since occurring*, has, of course, "been thus long delayed."

The Governour-General's letter is dated the 22d May, and the Resolution was the last ship of the season dispatched for Europe. The publick letters to the Directors are dated the 9th May; but it appears, by the letter of the commander of the ship, that he did not receive his dispatches from Mr. Loyd, then at Kedjeree, until the 26th May; and also, that the pilot was not discharged from the ship until the 11th June. Some of these presents (now for the first time acknowledged) had been received eighteen months preceding the date of this letter—none less than four months; so that, in fact, he might have sent this account by all the ships of that season; but the Governour-General chose to write this letter thirteen days after the determination in Council for the dispatch of the last ship.

It does not appear that he has given any communication

munication whatsoever to his colleagues in office of those extraordinary transactions. Nothing appears on the records of the Council of the receipt of the presents; nor is the transmission of this account mentioned in the general letter to the Court of Directors, but in a letter from himself to their Secret Committee, consisting generally of two persons, but at most of three. It is to be observed, that the Governour-General states "that the dispatch of "the Lively had been protracted from time to "time; that this delay was of no publick conse-"quence; but that it produced a situation, which, "with respect to himself, he regarded as unfor-"tunate, because it exposed him to the meanest "imputations, from the occasion, which the late "Parliamentary inquiries have since furnished; "but which were unknown when his letter was "written." If the Governour-General thought his silence exposed him to the *meanest imputations*, he had the means in his own power of avoiding those imputations; he might have sent this letter, dated the 22d May, by the Resolution. For we find, that in a letter from Captain Poynting, of the 26th May, he states it not possible for him to proceed to sea with the smallest degree of safety without a supply of anchors and cables; and most earnestly requests they may be supplied from Calcutta; and on the 28th May we find a Minute from the Secretary of the Council, Mr. Auriol,

requesting an Order of Council to the master-attendant to furnish a sloop to carry down those cables; which order was accordingly issued on the 30th May. There requires no other proof to show that the Governour-General had the means of sending this letter seven days after he wrote it, instead of delaying it for near seven months, and because no conveyance had offered. Your Committee must also remark, that the conveyance by land to Madras was certain; and, whilst such important operations were carrying on both by sea and land upon the coast, that dispatches would be sent to the Admiralty, or to the Company, was highly probable.

If the letter of the 22d May had been found in the list of packets sent by the Resolution, the Governour-General would have established in a satisfactory manner, and far beyond the effect of any affidavit, that the letter had been written at the time of the date. It appears, that the Resolution, being on her voyage to England, met with so severe a gale of wind, as to be obliged to put back to Bengal, and to unload her cargo.—This event makes no difference in the state of the transaction. Whatever the cause of these new discoveries might have been, at the time of sending them the fact of the Parliamentary inquiry was publickly known.

In the letter of the above date Mr. Hastings laments the mortification of being reduced to take

precautions

precautions "to guard his reputation from dishonour."—"If I had (says he) *at any time* possessed that degree of confidence from my *immediate* employers, which they have never withheld from the *meanest* of my predecessors, I should have disdained to use these attentions."

Who the *meanest* of Mr. Hastings's predecessors were does not appear to Your Committee; nor are they able to discern the ground of propriety or decency for his assuming to himself a right to call any of them mean persons. But if such mean persons have possessed that degree of confidence from his immediate employers, which for so many years he had not possessed "*at any time*," inferences must be drawn from thence very unfavourable to one or the other of the parties, or perhaps to both. The attentions, which he practises and disdains, can in this case be of no service to himself, his employers, or the publick; the only attention at all effectual towards extenuating, or in some degree atoning for, the guilt of having taken money from individuals illegally was, to be full and fair in his confession of all the particulars of his offence. This might not obtain that confidence, which at no time he has enjoyed, but still the Company and the nation might derive essential benefit from it; the Directors might be able to afford redress to the sufferers; and by his laying open the concealed channels of abuse, means might be furnished for

the better discovery, and possibly for the prevention, or at least for the restraint, of a practice of the most dangerous nature; a practice, which the mere prohibition, without the means of detection, must ever prove, as hitherto it had proved, altogether frivolous.

Your Committee, considering that so long a time had elapsed without any of that information, which the Directors expected, and perceiving that this receipt of sums of money, under colour of gift, seemed a growing evil, ordered the attendance of Mr. Hastings's agent, Major Scott. They had found, on former occasions, that this gentleman was furnished with much more early and more complete intelligence of the Company's affairs in India than was thought proper for the Court of Directors; they therefore examined him concerning every particular sum of money, the receipt of which Mr. Hastings had confessed in his account. It was to their surprise that Mr. Scott professed himself perfectly uninstructed upon almost every part of the subject, though the express object of his mission to England was to clear up such matters as might be objected to Mr. Hastings; and for that purpose he had early qualified himself by the production to Your Committee of his powers of agency. The ignorance, in which Mr. Hastings had left his agent, was the more striking, because he must have been morally certain, that, if his conduct in these points should have escaped animadversion from the

the Court of Directors, it must become an object of Parliamentary inquiry; for, in his letter of the 15th of December 1782 to the Court of Directors, he expressly mentions his fears, that those Parliamentary inquiries might be thought to have extorted from him the confessions, which he had made.

Your Committee, however, entering on a more strict examination concerning the two lacks of rupees, which Mr. Hastings declares he had no right to take, but had taken from some person then unknown, Major Scott recollected, that Mr. Hastings had, in a letter of the 7th of December 1782 (in which he refers to some former letter), acquainted him with the name of the person, from whom he had received these two lacks of rupees, mentioned in the Minute of June 1780—It turned out to be the Rajah of Benares, the unfortunate Cheyt Sing.

In the single instance, in which Mr. Scott seemed to possess intelligence in this matter, he is preferred to the Court of Directors. Under their censure as Mr. Hastings was, and as he felt himself to be, for not informing them of the channel, in which he received that money, he perseveres obstinately and contemptuously to conceal it from them; though he thought fit to intrust his agent with the secret.

Your Committee were extremely struck with this intelligence. They were totally unacquainted

with it when they presented to the House the Supplement to their second Report on the affairs of Cheyt Sing. A gift received by Mr. Hastings from the Rajah of Benares gave rise, in their minds, to serious reflections on the condition of the Princes of India subjected to the British authority. Mr. Hastings was, at the very time of his receiving this gift, in the course of making, on the Rajah of Benares, a series of demands, unfounded and unjustifiable, and constantly growing in proportion as they were submitted to. To these demands the Rajah of Benares, besides his objections in point of right, constantly set up a plea of poverty. Presents from persons, who hold up poverty as a shield against extortion, can scarcely in any case be considered as gratuitous, whether the plea of poverty be true or false. In this case the presents might have been bestowed, if not with an assurance, at least with a rational hope, of some mitigation in the oppressive requisitions, that were made by Mr. Hastings; for to give much voluntarily, when it is known that much will be taken away forcibly, is a thing absurd and impossible. On the one hand, the acceptance of that gift by Mr. Hastings must have pledged a tacit faith for some degree of indulgence towards the donor; if it was a free gift, gratitude; if it was a bargain, justice obliged him to it. If, on the other hand, Mr. Hastings originally destined (as he says he did) this money, given to himself

secretly,

secretly, and for his private emolument, to the use of the Company, the Company's favour, to whom he acted as trustee, ought to have been purchased by it. In honour and justice he bound and pledged himself for that power, which was to profit by the gift, and to profit too in the success of an expedition, which Mr. Hastings thought so necessary to their aggrandizement. The unhappy man found his money accepted, but no favour acquired on the part either of the Company or of Mr. Hastings.

Your Committee have, in another Report, stated to the House that Mr. Hastings attributed the extremity of distress, which the detachments under Colonel Camac had suffered, and the great desertions, which ensued on that expedition, to the want of punctuality of the Rajah in making payment of one of the sums, which had been extorted from him; and this want of punctual payment was afterwards assigned as a principal reason for the ruin of this prince. Your Committee have shown to the House, by a comparison of facts and dates, that this charge is wholly without foundation. But if the cause of Colonel Camac's failure had been true as to the sum, which was the object of the publick demand, the failure could not be attributed to the Rajah, when he had on the *instant* privately furnished at least £. 23,000 to Mr. Hastings; that is, furnished the identical money, which he tells us (but carefully concealing the name of the giver) he had

had from the beginning destined, as he afterwards publickly offered, for this very expedition of Colonel Camac's. The complication of fraud and cruelty in the transaction admits of few parallels. Mr. Hastings at the Council Board of Bengal displays himself as a zealous servant of the Company, bountifully giving from his own fortune; and in his letter to the Directors (as he says himself) as going out of the ordinary roads for their advantage; and all this on the credit of supplies derived from the gift of a man, whom he treats with the utmost severity, and whom he accuses, in this particular, of disaffection to the Company's cause and interests.

Vide Appendix B. N° 1.

With £. 23,000 of the Rajah's money in his pocket he persecutes him to his destruction; assigning for a reason, that his reliance on the Rajah's faith, and his breach of it, were the principal causes that *no other* provision was made for the detachment on the specifick expedition, to which the Rajah's specifick money was to be applied; the Rajah had given it to be disposed of by Mr. Hastings; and if it was not disposed of in the best manner for the accomplishing his objects, the accuser himself is the criminal.

To take money for the forbearance of a just demand would have been corrupt only; but to urge unjust publick demands; to accept private pecuniary favours in the course of those demands; and, on the pretence of delay or refusal, without mercy

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to prosecute a benefactor; to refuse to hear his remonstrances; to arrest him in his capital, in his palace, in the face of all the people;—thus to give occasion to an insurrection, and, on pretext of that insurrection, to refuse all treaty or explanation; to drive him from his government and his country; to proscribe him in a general amnesty; and to send him all over India, a fugitive, to publish the shame of British government in all the nations, to whom he successively fled for refuge;—these are proceedings, to which, for the honour of human nature, it is hoped few parallels are to be found in history; and in which the illegality and corruption of the acts form the smallest part of the mischief.

Such is the account of the first sum *confessed* to be taken as a present by Mr. Hastings, since the year 1775; and such are its consequences. Mr. Hastings apologizes for this action by declaring, "that he would not have received the money but "for the *occasion*, which prompted him to avail "himself of the accidental means, which were at "that instant afforded him, of accepting and con- "verting it to the use of the Company." By this account he considers the act as excusable only by the particular occasion, by the temptation of accidental means, and by the suggestion of the *instant*. How far this is the case, appears by the very next paragraph of this letter, in which the account is given, and in which the apology is made. If these

Vide Appendix B. N° 1.

were

were his opinions in June 1780, they lasted but a very short time; his accidental means appear to be growing habitual.

To point out in a clear manner the spirit of the second money transaction, to which Your Committee adverted, which is represented by Mr. Hastings as having some "affinity with the former "*anecdote*," (for in this light kind of phrase he chooses to express himself to his masters,) Your Committee think it necessary to state to the House, that the business, namely, this business, which was the second object of their inquiry, appears in three different papers, and in three different lights; on comparing these authorities, in every one of which Mr. Hastings is himself the voucher, if one of the three be true, the other two must necessarily be false.

Vide above Appendix.

These three authorities, which Your Committee has accurately compared, are, first, his Minutes on the Consultations: secondly, his Letter to the Court of Directors on the 29th of November 1780: thirdly, his Account, transmitted on the 16th of December 1782.

Ap. B. N° 8. Ap. B. N° 1. Ap. B. N° 4.

About eight months after the first transaction relative to Cheyt Sing, and which is just reported, that is, on the 5th of January 1781, Mr. Hastings produced a demand to the Council for money of his own, expended for the Company's service.

Ap. B. N° 8.

Here was no occasion for secrecy. Mr. Francis

was

was on his passage to Europe; Mr. Wheler was alone left, who no longer dissented from any thing; Mr. Hastings was in effect himself the whole Council. He declared, that *he* had disbursed three lacks of rupees, that is, thirty-four thousand five hundred pounds, in secret services; which having (he says) "been advanced from *my own private cash*, I "request that the same may be repaid to me in "the following manner:"—He accordingly desires three bonds, for a lack of Sicca rupees each, to be given to him in two of the Company's subscriptions; one to bear interest on the eight per cent. loan, the other two in the four per cent. The bonds were ante-dated to the beginning of the preceding October.

On the 9th of the same month, that is, on the 9th of January 1781, the three bonds were accordingly ordered; so far the whole transaction appears clear, and of a piece. Private money is subscribed, and a publick security is taken for it. When the Company's Treasury Accounts are compared with the proceedings of their Council-General, a perfect correspondence also appears. The three bonds are then entered to Mr. Hastings, and he is credited for principal and interest on them, in the exact terms of the order. So far the official accounts; which, because of their perfect harmony, are considered as clear and consistent evidence to one body of fact.

Vide above. Appendix.

Appendix B. N° 9.

The

Appendix B. N° 1.

The second sort of document relative to these bonds (though the first in order of time) is Mr. Hastings's letter of the 29th of November 1780. It is written between the time of the expenditure of the money for the Company's use, and the taking of the bonds. Here, for the first time, a very material difference appears; and the difference is the more striking, because Mr. Hastings claimed the *whole* money as his own, and took bonds for it as such, *after* this representation. The letter to the Company discovers, that part of the money (the whole of which he had declared on record to be his own, and for which he had taken bonds) was not his, but the property of his masters, from whom he had taken the security. It is no less remarkable that the letter, which represents the money as belonging to the Company, was written about six weeks before the Minute of Council, in which he claims that money as his own. It is this letter, on which Your Committee is to remark.

Vide Appendix B. N° 1.

Mr. Hastings, after giving his reasons for the application of the three lacks of rupees, and for his having for some time concealed the fact, says, "two thirds of that sum I have raised *by my own* "*credit*, and shall charge it in my official account; "*the other third* I have supplied from the cash in "my hand, belonging to the honourable Com-"pany."

The House will observe, that in November he tells

tells the Directors, that he shall charge only *two-thirds* in his official accounts; in the following January he charges the *whole*. For the other third (although he admitted that to belong to the Company) we have seen that he takes a bond to *himself*. Vide Appendix B. N° 8.

It is material that he tells the Company in his letter, that these two lacks of rupees were *raised on his credit*. His letter to the Council says that they were advanced from his private *cash*. What he raises on his credit may, on a fair construction, be considered as his own; but in this too he fails; for it is certain he has never transferred these bonds to any creditor; nor has he stated any sum he has paid, or for which he stands indebted on that account, to any specifick person. Indeed, it was out of his power; for the first two-thirds of the money, which he formerly stated as raised upon his credit, he now confesses to have been from the beginning the Company's property; and therefore could not have been raised on his private credit, or borrowed from any person whatsoever.

To these two accounts thus essentially varying he has added a third, varying at least as essentially from both. In his last, or third account, which is a statement of all the sums he has received in an extraordinary manner, and confessed to be the Company's property, he reverses the items of his first account; and, instead of allowing the Company but one-third, and claiming two-thirds for himself, Appendix B, N° 4. The Gov. General's Account of Monies received, dated 22d May 1782.

himself, he enters two of the bonds, each for a lack of rupees, as belonging to the Company; of the third bond, which appears so distinctly in the consultations, and in the Treasury Accounts, not one word is said—ten thousand pounds is absorbed, sinks, and disappears at once; and no explanation whatever concerning it is given; Mr. Hastings seems not yet to have decided to whose account it ought to be placed. In this manner his debt to the Company, or the Company's to him, is just what he thinks fit. In a single article he has varied three times. In one account he states the whole to be his own; in another he claims two-thirds; in the last he gives up the claim of the two-thirds, and says nothing to the remaining portion.

Also Appendix B. N° 9. The Auditor's Account of Bonds granted to the Gov. General.

To make amends, however, for the suppression of this third bond, given with the two others in January 1781, and ante-dated to the beginning of October, Mr. Hastings, in the above-mentioned general account subjoined to his letter of the 22d May 1782, has brought to the Company's credit a new bond.

Vide Appendix B. N° 4.

This bond is for £. 17,000. It was taken from the Company (and so it appears on their Treasury Accounts) on the 23d of November 1780. He took no notice of this when in January following he called upon his own Council for the three others. What is more extraordinary, he was equally silent with regard to it when, only six days after its date,

he

he wrote, concerning the subject of the three other bonds, to the Court of Directors; yet now it comes out, that that bond also was taken by Mr. Hastings from the Company for money, which he declares he had received on the Company's account; and that he entered himself as creditor, when he ought to have made himself debtor.

Your Committee examined Major Scott concerning this money, which Mr. Hastings must have obtained in some clandestine and irregular mode; but they could obtain no information of the persons, from whom it was taken, nor of the occasion, or pretence, for taking this large sum; nor does any Order of Council appear for its application to any service. The whole of the transaction (whatsoever it was) relative to this bond is covered with the thickest obscurity.

Mr. Hastings, to palliate the blame of his conduct, declares that he has not received any interest on these bonds; and that he has endorsed them as not belonging to himself, but to the Company. As to the first part of this allegation, whether he received the interest, or let it remain in arrear, is a matter of indifference, as he entitled himself to it; and, so far as the legal security he has taken goes, he may, whenever he pleases, dispose both of principal and interest. What he has endorsed on the bonds, or when he made the endorsement, or whether in fact he has made it at all, are matters known

Vide Mr. Hastings's Account, in Appendix B. N° 4.

only to himself: for the bonds must be in his possession, and are no where by him stated to be given up or cancelled; which is a thing very remarkable, when he confesses that he had no right to receive them.

Vide Mr. Hastings's Account, dated 22d May 1782, in Appendix B. N°4.

These bonds make but a part of the account of private receipts of money by Mr. Hastings, formerly paid into the Treasury as his own property, and now allowed not to be so. This account brings into view other very remarkable matters of a similar nature and description.

Vide above Appendix, and B.N°2.

In the publick records, a sum of not less than £. 23,871 is set to his credit as a *deposit* for his private account, paid in by him into the treasury in gold, and coined at the Company's Mint. This appears in the account furnished to the Directors, under the date of May 1783, not to be lawfully his money, and he therefore transfers it to the Company's credit—it still remains as a deposit.

Vide above Appendix.

That the House may be apprized of the nature of this article of deposit, it may not be improper to state, that the Company receive into their treasury the cash of private persons, placed there as in a bank. On this no interest is paid, and the party depositing has a right to receive it upon demand. Under this head of account no publick money is ever entered. Mr. Hastings, neither at making the deposit as his own, nor at the time of his disclosure of the real proprietor, (which he makes to be the

Company,)has given any information of the persons, from whom this money had been received. Mr. Scott was applied to by Your Committee, but could not give any more satisfaction in this particular than in those relative to the bonds.

The title of the account of the 22d of May purports, not only that those sums were paid into the Company's treasury by Mr. Hastings's order, but that they were applied to the Company's service. No service is specified, directly, or by any reference, to which this great sum of money has been applied.

Two extraordinary articles follow this, in the May account, amounting to about £. 29,000. These articles are called Receipts of Durbar Charges. The general head for Durbar Charges, made by persons in office, when analyzed into the particulars, contains various expenses, including bounties and presents made by Government, chiefly in the foreign department; but in the last account he confesses that this sum also is not his, but the Company's property; but, as in all the rest, so in this he carefully conceals the means, by which he acquired the money, the time of his taking it, and the persons, from whom it was taken. This is the more extraordinary, because, in looking over the journals and legers of the Treasury, the presents received, and carried to the account of the Company

Vide Appendix B. No 4.

(which were generally small and complimental) were precisely entered, with the name of the giver.

Your Committee, on turning to the account of Durbar charges, in the leger of that month, find the sum, as stated in the account of May 22d, to be indeed paid in; but there is no specifick application whatsoever entered.

The account of the whole money thus clandestinely received, as stated on the 22d of May 1782, (and for a great part of which Mr. Hastings to that time took credit for, and for the rest has accounted in an extraordinary manner as his own) amounts in the whole to upwards of ninety-three thousand pounds sterling;—a vast sum to be so obtained, and so loosely accounted for!—If the money taken from the Rajah of Benares be added, (as it ought) it will raise the sum to upwards of £. 116,000; if the £. 11,600 bond in October be added, it will be upwards of £. 128,000, received in a secret manner by Mr. Hastings in about one year and five months. To all these he adds another sum of one hundred thousand pounds, received as a present from the Soubah of Oude. Total upwards of £. 228,000.

Your Committee find that this last is the only sum, the giver of which Mr. Hastings has thought proper to declare. It is to be observed, that he did not receive this £. 100,000 in money, but in bills

bills on a great native money-dealer resident at Benares, and who has also an house at Calcutta; he is called Gopal Das. The negotiation of these bills tended to make a discovery not so difficult as it would have been in other cases.

With regard to the application of this last sum of money, which is said to be carried to the Durbar charges of April 1782, Your Committee are not enabled to make any observations on it, as the account of that period has not yet arrived.

Your Committee have, in another Report, remarked fully upon most of the circumstances of this extraordinary transaction. Here they only bring so much of these circumstances again into view as may serve to throw light upon the true nature of the sums of money taken by British subjects in power, under the name of *presents*; and to show how far they are entitled to that description in any sense, which can fairly imply in the pretended donors either willingness or ability to give. The condition of the bountiful parties, who are not yet discovered, may be conjectured from the state of those, who have been made known; as far as that state any where appears, their generosity is found in proportion, not to the opulence they possess, or to the favours they receive, but to the indigence they feel, and the insults they are exposed to. The House will particularly attend to the situation of the principal giver, the Soubah of Oude.

" When the knife (says he) had penetrated to " the bone, and I was surrounded with heavy dis- " tresses, that I could no longer live in expectations, " I wrote you an account of my difficulties.

" The answer, which I have received to it, is such, " that it has given me inexpressible grief and afflic- " tion. I never had the least idea or expectation " from you and the Council, that you would ever " have given your orders in so afflicting a manner, " in which you never before wrote, and which I " could not have imagined.—As I am resolved to " *obey* your orders and directions of the Council " without any delay, as long as I live, I have, " agreeably to those *orders*, delivered up *all my* " *private papers* to him (the Resident), that when " he shall have examined my receipts and ex- " penses, *he may take whatever remains.* As I " know it to be my duty to satisfy you, the Com- " pany and Council, I have not failed to *obey* in " any instance; but requested of him that it might " be done so as not to *distress me in my necessary* " *expenses*; there being no other funds but those " for the expenses of my Mutseddies, household " expenses, and services, &c. He demanded these " in such a manner, that, being *remediless*, I was " obliged to comply with what he required. He " has accordingly *stopped the pensions of my old* " *servants for thirty years, whether Sepoys, Mut-* " *seddies, or household servants, and the expenses*

of

" *of my family and kitchen, together with the Jag-*
" *hires of my grandmother, mother, and aunts; and*
" *of my brothers and dependents, which were for*
" *their support.* I had raised 1,300 horse, and
" three battalions of Sepoys, to attend upon me;
" but, as I have no resources to support them, I
" have been obliged to remove the people stationed
" in the Mahals [districts] and to send his people
" [the Resident's people] into the Mahals; so that
" I have not now one single servant about me.
" Should I mention to what further difficulties I
" have been reduced, it would lay me open to
" contempt."

In other parts of this long remonstrance, as well as in other remonstrances no less serious, he says, " that it is difficult for him to save himself alive; " that in all his affairs *Mr. Hastings had given full* " *powers to the gentlemen here,* (meaning the Eng-" lish Resident and assistants), *who have done what-*" *ever they chose, and still continue to do it.* I " never expected that *you* would have brought me " into such apprehension, and into so weak a state, " without *writing to me on any one of those subjects,* " since I have not the smallest connexion with any " body, except yourself. I am in such distress, " both day and night, that I see not the smallest " prospect of deliverance from it, since you are so " displeased with me *as not to honour me with a* " *single letter.*"

In another remonstrance he thus expresses himself:

"The affairs of this world are unstable, and soon "pass away; it would therefore be incumbent on "the *English* gentlemen to show *some* friendship "for me in my *necessities*. I, who have always "exerted my very life in the service of the English, "*assigned over to them all the resources left in my* "*country*, stopped my very household expenses, "together with the Jaghires of my servants and "dependants, to the amount of 98,98,375 rupees. "Besides this, as to the Jaghires of my grand-"mother, mother, and uncle, which were granted "to them for their support, *agreeable to engage-*"*ments*, you are the *masters*; if the Council have "sent orders for the stopping their Jaghires also, "stop them. I have no resources left in my "country; and have no friends by me, being even "distressed in my daily subsistence. I have some "elephants, horses, and the houses, which I inha-"bit; if they can be of any service to my friends, "they are ready. Whenever you can discover "any resources seize upon them; I shall not in-"terfere to prevent you. In my present distress "for my daily expenses, I was in hopes that they "would have excused some part of my debt. Of "what use is it for me to relate my situation, which "is known to the whole world? This much is "sufficient."

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The truth of all these representations is no where contested by Mr. Hastings. It is indeed admitted in something stronger than words; for, upon account of the Nabob's condition, and the no less distressed condition of his dominions, he thought it fit to withdraw from him and them a large body of the Company's troops, together with all the English of a civil description, who were found no less burthensome than the military. This was done on the declared inability of the country any longer to support them; a country not much inferiour to England in extent and fertility; and, till lately at least, its equal in population and culture.

It was to a prince, in a state so far remote from freedom, authority, and opulence, so penetrated with the treatment he had received, and the behaviour he had met with from Mr. Hastings, that Mr. Hastings has chosen to attribute a disposition so very generous and munificent as, of his own free grace and mere motion, to make him a present, at one donation, of upwards of £. 100,000 sterling. This vast private donation was given at the moment of vast instant demands severely exacted on account of the Company, and accumulated on immense debts to the same body; and all taken from a ruined prince, and almost desolated territory.

Mr. Hastings has had the firmness, with all possible ease, and apparent unconcern, to request permission from the Directors to legalize this forbidden

forbidden present for his own use. This he has had the courage to do, at a time when he had abundant reason to look for, what he has since received, their censure for many material parts of his conduct towards the people, from whose wasted substance this pretended free gift was drawn. He does not pretend that he has reason to expect the smallest degree of partiality, in this or any other point, from the Court of Directors. For, besides his complaint, first stated, of having never possessed their confidence, in a late letter (in which, notwithstanding the censures of Parliament, he magnifies his own conduct) he says, that in all the long period of his service "he has almost unremittedly wanted "the support, which all his predecessors had en- "joyed from their constituents. From mine (says "he) I have received *nothing but reproach, hard* "epithets, *and indignities*, instead of rewards and "encouragement." It must therefore have been from some other source of protection than that, which the law had placed over him, that he looked for countenance and reward in violating an Act of Parliament, which forbade him from *taking gifts or presents on any account whatsoever;* much less a gift of this magnitude, which, from the distress of the giver, must be supposed the effect of the most cruel extortion.

Vide Appendix B. N°. 6.

Vide Appendix B. N° 7.

The Directors did wrong in their orders to appropriate money, which they must know could not have

have been acquired by the consent of the pretended donor, to their own use. They acted more properly in refusing to confirm this grant to Mr. Hastings, and in choosing rather to refer him to the law, which he had violated, than to his own sense of what he thought he was entitled to take from the natives; putting him in mind that the Regulating Act had expressly declared, "that no Governour-General, "or any of the Council, shall, directly or indirectly, "accept, receive, or take, of or from any person "or persons, *or on any account whatsoever*, any "present, gift, donation, gratuity, or reward, pecu- "niary or otherwise; or any promise or engage- "ment for any of the aforesaid." Here is no reserve for the case of a disclosure to the Directors, and for the legalizing the breach of an Act of Parliament by their subsequent consent. The illegality attached to the action at its very commencement; and it could never be afterwards legalized; the Directors had no such power reserved to them. Words cannot be devised of a stronger import, or studied with more care. To these words of the Act are opposed the declaration and conduct of Mr. Hastings; who, in his letter of January 1782, thinks fit to declare, that "an offer of a very con- "siderable sum of money was made to him, both "on the part of the Nabob and his ministers, as a "*present*, which he *accepted without hesitation*." The plea o his pretended necessity is of no avail.

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The present was not in ready money, nor, as Your Committee conceive, applicable to his immediate necessities. Even his credit was not bettered by bills at long periods; he does not pretend that he raised any money upon them; nor is it conceivable that a banker at Benares would be more willing to honour the draughts of so miserable, undone, and dependant a person as the Nabob of Oude, than those of the Governour-General of Bengal; which might be paid either on the receipt of the Benares revenue, or at the seat of his power, and of the Company's exchequer. Besides, it is not explicable upon any grounds, that can be avowed, why the Nabob, who could afford to give these bills as *a present* to Mr. Hastings, could not have equally given them in discharge of the debt, which he owed to the Company. It is indeed very much to be feared, that the people of India find it sometimes turn more to their account, to give presents to the English in authority, than to pay their debts to the Publick; and this is a matter of a very serious consideration.

No small merit is made by Mr. Hastings, and that too in a high and upbraiding style, of his having come to a voluntary discovery of this and other unlawful practices of the same kind. "That Ho-"nourable Court (says Mr. Hastings, addressing "himself to his masters, in his letter of December "1782) ought to know whether I possess the

Vide Appendix B. N° 6.

"integrity

"integrity and honour, which are the first requi-
"sites of such a station. If I wanted these, they
"have afforded me too powerful incentives to sup-
"press the information, which I now convey to
"them through you, and to appropriate to my own
"use the sums, which I have already passed to
"their credit, by their *unworthy*, and, pardon me
"if I add, *dangerous reflections*, which they have
"passed upon me for the first communication of
"this kind;" (and he immediately adds, what is singular and striking, and favours of a recriminatory insinuation) "and your *own experience* will suggest
"to you, that there are persons, who would profit
"by such a warning." To what Directors in particular this imputation of experience is applied, and what other persons they are, in whom *experience* has shown a disposition to profit of such a warning, is a matter highly proper to be inquired into. What Mr. Hastings says further on this subject is no less worthy of attention:—"*that he could have con-* Vide above Appendix,
"*cealed these transactions, if he had a wrong mo-*
"*tive, from theirs and the publick eye for ever!*"
It is undoubtedly true, that, whether the observation be applicable to the particular case, or not, practices of this corrupt nature are extremely difficult of detection any where, but especially in India; but all restraint upon that grand fundamental abuse of presents is gone for ever, if the servants of the Company can derive safety from a defiance of the law,

law, when they can no longer hope to screen themselves by an evasion of it. All hope of reformation is at an end, if, confiding in the force of a faction among Directors or Proprietors to bear them out, and possibly to vote them the fruit of their crimes as a reward of their discovery, they find that their bold avowal of their offences is not only to produce indemnity, but to be rated for merit. If once a presumption is admitted, that wherever something is divulged nothing is hid, the discovering of one offence may become the certain means of concealing a multitude of others. The contrivance is easy, and trivial, and lies open to the meanest proficient in this kind of art; it will not only become an effectual cover to such practices, but will tend infinitely to increase them. In that case sums of money will be taken for the purpose of discovery, and making merit with the Company; and other sums will be taken for the private advantage of the receiver.

It must certainly be impossible for the natives to know what presents are for one purpose, or what for the other. It is not for a Gentû or a Mahometan land-holder, at the foot of the remotest mountains in India, who has no access to our records, and knows nothing of our language, to distinguish what lacks of rupees, which he has given, *eo nomine*, as a present to a Company's servant, are to be authorized by his masters in Leadenhall-street as proper and legal, or carried to their publick

publick account at their pleasure; and what are laid up for his own emolument.

The Legislature, in declaring all presents to be the property of the Company, could not consider corruption, extortion, and fraud, as any part of their resources. The property in such presents was declared to be theirs, not as a fund for their benefit, but in order to found a legal title to a civil suit. It was declared theirs, to facilitate the recovery, out of corrupt and oppressive hands, of money illegally taken; but this legal fiction of property could not, nor ought, by the Legislature to be considered in any other light than as a trust held by them for those, who suffered the injury. Upon any other construction the Company would have a right, first, to extract money from the subjects or dependants of this kingdom, committed to their care, by means of particular conventions, or by taxes, by rents, and by monopolies; and, when they had exhausted every contrivance of publick imposition, then they were to be at liberty to let loose upon the people all their servants, from the highest rank to the lowest, to prey upon them at pleasure, and to draw, by personal and official authority, by influence, venality, and terrour, whatever was left to them;—and that all this was justified, provided the product was paid into the Company's exchequer.

This prohibition and permission of presents, with this declaration of property in the Company, would leave

Act 13 Geo. III. Cap. 68.

leave no property to any man in India. If, however, it should be thought that this clause in the Act should be capable, by construction and retrospect, of so legalizing, and thus appropriating these presents, (which Your Committee conceive impossible,) it is absolutely necessary that it should be very fully explained.

The provision in the Act was made in favour of the natives. If such construction prevails, the provision, made as their screen from oppression, will become the means of increasing and aggravating it without bounds and beyond remedy. If presents, which when they are given were unlawful, can afterwards be legalized by an application of them to the Company's service, no sufferer can even resort to a remedial process at law for his own relief. The moment he attempts to sue, the money may be paid into the Company's treasury; it is then lawfully taken, and the party is non-suited.

The Company itself must suffer extremely in the whole order and regularity of their publick accounts, if the idea, upon which Mr. Hastings justifies the taking of these presents, receives the smallest countenance. On his principles, the same sum may become private property, or publick, at the pleasure of the receiver; it is in his power, Mr. Hastings says, to conceal it for ever. He certainly has it in his power not only to keep it back, and bring it forward at his own times, but even to shift and

Vide Mr. Hastings's Letter of 16 December 1782, in Appendix B, N°6.

reverse

reverse the relations in the accounts (as Mr. Hastings has done) in what manner and proportion seems good to him, and to make himself alternately debtor or creditor for the same sums.

Of this irregularity Mr. Hastings himself appears in some degree sensible. He conceives it possible that his transactions of this nature may to the Court of Directors seem unsatisfactory. He, however, puts it hypothetically;—"if to you (says he) who are accustomed to view business in an *official and regular light, they should appear unprecedented, if not improper.*" He just conceives it possible, that in an official money transaction the Directors may expect a proceeding official and regular. In what other lights than those, which are official and regular, matters of publick account ought to be regarded by those, who have the charge of them, either in Bengal or in England, does not appear to Your Committee. Any other is certainly "unprecedented and improper;" and can only serve to cover fraud both in the receipt and in the expenditure. The acquisition of 58,000 rupees, or near £. 6,000, which appears in the sort of *unofficial and irregular account*, that he furnishes of his presents, in his letter of May 1782, must appear extraordinary indeed to those, who expect from men in office something official and something regular. "This sum (says he) I received, while I was on my journey

Vide Appendix B, N° 6.

Vide Appendix B N° 8.

" to Benares." He tells it with the same careless indifference as if things of this kind were found by accident on the high road.

Mr. Hastings did not, indeed he could not, doubt, that this unprecedented and improper account would produce much discussion. He says, "why " these sums were taken by me; why they were " (except the second) *quietly* transferred to the " Company's account; why bonds were taken for " the first, and not for the rest; might, were this " matter to be exposed to the view of the publick, " *furnish a variety of conjectures.*"

This matter has appeared, and has furnished, as it ought to do, something more serious than conjectures. It would in any other case be supposed, that Mr. Hastings, expecting such inquiries, and considering that the questions are (even as they are imperfectly stated by himself) far from frivolous, would condescend to give some information upon them; but the conclusion of a sentence so importantly begun, and which leads to such expectations, is, " that to these conjectures it would " be of little use to reply."—This is all he says to publick conjecture.

To the Court of Directors he is very little more complaisant, and not at all more satisfactory; he states merely as a supposition their inquiry concerning matters, of which he positively knew that they had called for an explanation. He knew it, because

because he presumed to censure them for doing so. To the hypothesis of a further inquiry he gives a conjectural answer of such a kind, as probably, in an account of a doubtful transaction, and to a superiour, was never done before.

" *Were* your Honourable Court to question me " upon these points, I *would* answer, that the sums " were taken for the Company's benefit at times, " in which the Company very much stood in need " of them; that I *either* chose to conceal the first " receipts from publick curiosity by receiving bonds " for the amount, or *possibly acted without any* " *studied design*, which my memory could at this " distance of time verify."

Vide Appendix B, N° 5.

He here professes not to be certain of the motives, by which he was himself actuated in so extraordinary a concealment, and in the use of such extraordinary means to effect it; and, as if the acts in question were those of an absolute stranger, and not his own, he gives various loose conjectures concerning the motive to them. He even supposes, in taking presents contrary to law, and in taking bonds for them as his own contrary to what he admits to be truth and fact, that he might have acted without any distinct motive at all, or at least such as his memory could reach at that distance of time. That immense distance, in the faintness of which his recollection is so completely lost as to set him guessing at his motives for his own conduct;

was from the fifteenth of January 1781, when the bonds at his own request were given, to the date of this letter, which is the 22d of May 1782; that is to say, about one year and four months.

As to the other sums, for which no bond was taken, the ground for the difference in his explanation is still more extraordinary; he says, "I did "not think it worth my care to observe the same "means with the *rest*." The rest of these sums, which were not worth his care, are stated in his account to be greater than those he was so solicitous (for some reason, which he cannot guess) to cover under bonds; these sums amount to near £.53,000; whereas the others did not much exceed £.40,000. For these actions, attended with these explanations, he ventures to appeal to their (the Directors) breasts for a candid interpretation; and "he as-"sumes the freedom to add, that he thinks him-"self, on *such* a subject, and on *such* an occasion, "entitled to it;" and then, as if he had performed some laudable exploit, in the accompanying letter he glories in the integrity of his conduct; and, anticipating his triumph over injustice, and the applauses, which, at a future time, he seems confident he shall receive, says he, "the applause of my "own breast is my surest reward. Your applause, "and that of my country, is my next wish in life!" He declares in that very letter, that he had not *at any time* possessed the confidence with them, which

Vide Appendix B. N° 3.

Vide Appendix B. N° 6.

they never withheld from the meanest of his predecessors. With wishes so near his heart perpetually disappointed, and, instead of applauses, (as he tells us) receiving nothing but reproaches and disgraceful epithets, his steady continuance for so many years in their service, in a place obnoxious in the highest degree to suspicion and censure, is a thing altogether singular.

It appears very necessary to Your Committee to observe upon the great leading principles, which Mr. Hastings assumes, to justify the irregular taking of these vast sums of money, and all the irregular means he had employed to cover the greater part of it. These principles are the more necessary to be inquired into, because, if admitted, they will serve to justify every species of improper conduct. His words are, "that the sources, from which these "reliefs to the publick service have come, would "never have yielded them to the Company *publickly*; and that the exigencies of their service "(exigencies created by the exposition of their affairs, and faction in their divided councils) required those supplies." Vide Appendix B. N° 6.

As to the first of these extraordinary positions, Your Committee cannot conceive what motive could actuate any native of India, dependent on the Company, in assisting them privately, and in refusing to assist them publickly. If the transaction was fair and honest, every native must have been

been desirous of making merit with the great governing power. If he gave his money as a free gift, he might value himself upon very honourable, and very acceptable, service; if he lent it on the Company's bonds, it would still have been of service, and he might also receive eight per cent. for his money. No native could (without some interested view) give to the Governour-General what he would refuse to the Company, as a grant, or even as a loan. It is plain, that the powers of Government must, in some way or other, be understood by the natives to be at sale. The Governour-General says, that he took the money with an original destination to the purposes, to which he asserts he has since applied it. But this original destination was in his own mind only, not declared, nor by him pretended to be declared, to the party, who gave the presents, and who could perceive nothing in it but money paid to the Supreme Magistrate for his own private emolument. All, that the natives could possibly perceive in such a transaction, must be highly dishonourable to the Company's Government; for they must conceive, when they gave money to Mr. Hastings, that they bought from Mr. Hastings either what was their own right, or something that was not so; or, that they redeemed themselves from some acts of rigour inflicted, threatened, or apprehended. If, in the first case, Mr. Hastings gave them the object, for which they

bargained,

bargained, his act, however proper, was corrupt; if he did not, it was both corrupt and fraudulent; if the money was extorted by force or threats, it was oppressive and tyrannical. The very nature of such transactions has a tendency to teach the natives to pay a corrupt court to the servants of the Company; and they must thereby be rendered less willing, or less able, or perhaps both, to fulfil their engagements to the State. Mr. Scott's evidence asserts, that they would rather give to Mr. Hastings than lend to the Company. It is very probable; but it is a demonstration of their opinion of his power and corruption, and of the weak and precarious state of the Company's authority.

The second principle assumed by Mr. Hastings for his justification, namely, that factious opposition, and a divided Government, might create exigencies requiring supplies, is full as dangerous as the first; for, if in the divisions, which must arise in all councils, one member of Government, when he thinks others factiously disposed, shall be entitled to take money privately from the subject for the purposes of his politicks, and thereby to dispense with an Act of Parliament, pretences for that end cannot be wanting. A dispute may always be raised in Council in order to cover oppression and peculation elsewhere. But these principles of Mr. Hastings tend entirely to destroy the character and functions of a Council, and to vest them with one

of the dissentient members. The law has placed the sense of the whole in the majority; and it is not a thing to be suffered, that any of the members should privately raise money for the avowed purpose of defeating that sense, or for promoting designs, that are contrary to it; a more alarming assumption of power in an individual member of any deliberative or executive body cannot be imagined. Mr. Hastings had no right, in order to clear himself of peculation, to criminate the majority with faction. No member of any body, out-voted on a question, has, or can have, a right to direct any part of his publick conduct by that principle. The members of the Council had a common superiour, to whom they might appeal in their mutual charges of faction—they did so frequently; and the imputation of faction has almost always been laid on Mr. Hastings himself.

But there were periods, very distinguished periods too, in the Records of the Company, in which the clandestine taking of money could not be supported even by this pretence. Mr. Hastings has been charged with various acts of peculation, perpetrated at a time he could not excuse himself by the plea of any publick purpose to be carried on; or of any faction in Council, by which it was traversed. It may be necessary here to recall to the recollection of the House, that on the cry, which prevailed of the ill practices of the Company's servants in India,

(which

(which general cry in a great measure produced the Regulating Act of 1773), the Court of Directors, in their Instructions of the 29th of March 1774, gave it as an injunction to the Council General, "that "they *immediately* cause the *strictest* inquiry to be "made into *all* oppressions, which may have been "committed, either against natives or Europeans, "and into *all* abuses, which may have prevailed "in the collection of the revenues, or *any part of* "*the Civil Government* of the Presidency; and "that you communicate to us *all information*, "which you may be able to obtain relative thereto, "or any embezzlement or dissipation of the Com-"pany's money."

In this inquiry, by far the most important abuse, which appeared on any of the above heads, was that, which was charged relative to the sale in gross, by Mr. Hastings, of nothing less than the whole authority of the Country Government, in the disposal of the guardianship of the Nabob of Bengal.

The present Nabob, Mobareck ul Dowlah, was a minor when he succeeded to the title and office of Subadar of the three provinces in 1770. Although in a state approaching to subjection, still his rank and character were important. Much was necessarily to depend upon a person, who was to preserve the moderation of a sovereign, not supported by intrinsick power; and yet to maintain the dignity necessary to carry on the representation of political

political Government, as well as the substance of the whole criminal justice of a great country. A good education, conformably to the maxims of his religion, and the manners of his people, was necessary to enable him to fill that delicate place with reputation either to the Mahometan Government or to ours. He had still to manage a revenue not inconsiderable, which remained as the sole resource for the languishing dignity of persons any way distinguished in rank among Mussulmen, who were all attached and clung to him. These considerations rendered it necessary to put his person and affairs into proper hands. They ought to have been men, who were able by the gravity of their rank and character to preserve his morals from the contagion of low and vicious company; men, who by their integrity and firmness might be enabled to resist, in some degree, the rapacity of Europeans, as well as to secure the remaining fragments of his property from the attempts of the natives themselves, who must lie under strong temptation of taking their share in the last pillage of a decaying House.

The Directors were fully impressed with the necessity of such an arrangement; Your Committee find that, on the 26th of August 1771, they gave instructions to the President and Council to appoint "a minister to transact the political affairs of "the Circar [Government]; and to select for that

"purpose

" purpose some person well qualified for the af-
" fairs of Government, to be the minister of the
" Government, and guardian of the Nabob's mi-
" nority."

The order was so distinct as not to admit of a mistake; it was (for its matter) provident and well considered; and the trust, which devolved on Mr. Hastings, was of such a nature as might well stimulate a man, sensible to reputation, to fulfil it in a manner agreeably to the directions he had received, and not only above just cause of exception, but out of the reach of suspicion and malice. In that situation it was natural to suppose he would cast his eyes upon men of the first repute and consideration among the Mussulmen of high rank.

Mr. Hastings, instead of directing his eyes to the Durbar, employed his researches in the Seraglio. In the inmost recesses of that place he discovered a woman, secluded from the intercourse, and shut up from the eyes of men, whom he found to correspond with the orders he had received from the Directors, as a person well "qualified for the affairs
" of Government, fit to be a minister of Govern-
" ment, and the guardian of the Nabob's mino-
" rity." This woman he solemnly invests with these functions; he appoints Rajah Gourdas, whom some time after he himself qualified with a description of a young man of mean abilities, to be her duan or steward of the household. The rest of the arrangement

arrangement was correspondent to this disposition of the principal officers.

It seems not to have been lawful or warrantable in Mr. Hastings to set aside the arrangement positively prescribed by the Court of Directors, which evidently pointed to a man, not to any woman whatever. As a woman, confined in the female apartment, the lady he appointed could not be competent to hold, or qualified to exercise, any active employment; she stood in need of guardians for herself, and had not the ability for the guardianship of a person circumstanced as the Soubah was. General Clavering, Colonel Monson, and Mr. Francis, declare, in their Minute, "that they be-"lieve there never was an instance in India of such "a trust so disposed of." Mr. Hastings has produced no precedent in answer to this objection.

It will be proper to state to the House the situation and circumstances of the women principally concerned, who were in the seraglio of Jaffier Ali Khân at his death. The first of these was called Munny Begum, a person originally born of poor and obscure parents, who delivered her over to the conductress of a company of dancing girls; in which profession being called to exhibit at a festival, the late Nabob took a liking to her, and, after some cohabitation, she obtained such influence over him, that he took her for one of his wives, and (she seems to have been the favourite) put her at the

head

head of his Haram; and having a son by her, this son succeeded to his authority and estate; Munny Begum, the mother, being by his will a devisee of considerable sums of money, and other effects, on which he left a charge, which has since been applied to the service of the East-India Company. The son of this lady dying, and a son by another wife succeeding, and dying also, the present Nabob, Mobareck ul Dowlah, son by a third wife, succeeded. This woman was then alive, and in the seraglio.

It was Munny Begum, that Mr. Hastings chose, and not the natural mother of the Nabob. Whether, having chosen a woman in defiance of the Company's orders, and in passing by the natural parent of the minor prince, he was influenced by respect for the disposition made by the deceased Nabob during his life, or by other motives, the House will determine upon a view of the facts, which follow. It will be matter of inquiry, when the question is stated upon the appointment of a step-mother in exclusion of the parent, whether the usage of the East constantly authorizes the continuance of that same distribution of rank and power, which was settled in the seraglio during the life of a deceased prince, and which was found so settled at his death, and afterwards to the exclusion of the mother of the successour. In case of female guardianship, her claim seems to be a right of nature;

nature; and which nothing but a very clear positive law will (if that can) authorize the departure from. The history of Munny Begum is stated on the Records of the Council General, and no attempt made by Mr. Hastings to controvert the truth of it.

That was charged by the majority of Council to have happened, which might be expected inevitably to happen; the care of the Nabob's education was grossly neglected, and his fortune as grossly mismanaged and embezzled. What connexion this waste and embezzlement had with the subsequent events, the House will judge.

On the 2d of May 1775, Mr. James Grant, accountant to the Provincial Council of Moorshedabad, produced to the Governour-General and Council certain Persian papers, which stated nine lacks of rupees (upwards of ninety thousand pounds sterling) received by Munny Begum, on her appointment to the management of the Nabob's household, over and above the balance due at that time, and not accounted for by her. These Grant had received from Nuned Roy, who had been a writer in the Begum's treasury-office. Both Mr. Grant and Nuned Roy were called before the Board, and examined respecting the authenticity of the papers. Among other circumstances tending to establish the credit of these papers, it appears that Mr. Grant offered to make oath, that the chief eunuch of the Begum had come to him on purpose to prevail on him

him not to send the papers; and had declared, *that the accounts were not to be disputed.*

On the 9th of May it was resolved by a majority of the Board, against the opinion and solemn protest of the Governour-General, that a gentleman should be sent up to the city of Moorshedabad, to demand of Munny Begum the accounts of the Nizamut and household, from April 1764 to the latest period, to which they could be closed, and to divest the Begum of the office of guardian to the Nabob; and Mr. Charles Goring was appointed for this purpose.

The preceding facts are stated to the House, not as the foundation of an inquiry into the conduct of the Begum, but as they lead to and are therefore necessary to explain, by what means a discovery was made of a sum of money given by her to Mr. Hastings.

Mr. Goring's first letter from the city, dated 17th May 1775, mentions, among other particulars, the young Nabob's joy at being delivered out of the hands of Munny Begum; the mean and indigent state of confinement, in which he was kept by her; the distress of his mother; and that he had told Mr. Goring that the "Begum's eunuch had instructed the servants not to suffer him to learn any "thing, by which he might make himself ac- "quainted with business:" and he adds, "In- "deed I believe there is great truth in it, as his "Excellency

" Excellency seems to be ignorant of almost every " thing a man of his rank ought to know; not from " a want of understanding, but of being properly " educated."

On the 21st of May, Mr. Goring transmitted to the Governour-General and Council an account of sums given by the Begum, under her seal, delivered to Mr. Goring by the Nabob, in her apartments. The account is as follows:

MEMORANDUM of Disbursements to English Gentlemen, from the Nabob's Sircar, in the Bengal year 1179.

Seal of Munny Begum, Mother of the Nabob Nudjuf ul Dowla, deceased.

To the Governour, Mr. Hastings, for an entertainment - - -	1,50,000
To Mr. Middleton, on account of an agreement entered into by Baboo Begum - - - - -	1,50,000
Rupees - -	3,00,000

When this paper was delivered, the Governour-General moved, that Mr. Goring might be asked, *How he came by it?* and, *on what account this partial selection was made by him?* Also, that the Begum

Begum should be desired *to explain the sum laid to his charge*; and that he should ask *the Nabob or the Begum their reasons for delivering this separate account.*

The substance of the Governour's proposal was agreed to.

Mr. Goring's answer to this requisition of the Board is as follows:

" In compliance with your orders to explain the " delivery of the paper containing an account of " three lacks of rupees, I am to inform you, it " took its rise from a message sent me by the Be- " gum, requesting I would interest myself with the " Nabob, to have Akbar Ally Khân released to " her for a few hours, having something of im- " portance to communicate to me, on which she " wished to consult him. Thinking the service " might be benefited by it, I accordingly desired " the Nabob would be pleased to deliver him to " my charge, engaging to return him the same " night; which I did.—I heard no more till next " day, when the Bégum requested to see his Ex- " cellency and myself, desiring Akbar Ally might " attend.

" On our first meeting, she entered into a long " detail of her administration, endeavouring to " represent it in the fairest light; at last she came " to the point, and told me, my urgent and re- " peated remonstrances to her, to be informed how

" the balance arose, of which I was to inquire, in-
" duced her from memory to say what she had
" herself given; then mentioning the sum of a lack
" and a half to the Governour, to feast him whilst
" he staid there; and a lack and a half to Mr.
" Middleton, by the hands of Baboo Begum. As
" I looked on this no more than a matter of con-
" versation, I arose to depart, but was detained
" by the Begum's requesting the Nabob to come
" to her—a scene of weeping and complaint then
" began, which made me still more impatient to
" be gone; and I repeatedly sent to his Excellency
" for that purpose; he at last came out, and de-
" livered me a paper I sent you, declaring it was
" given him by the Begum to be delivered me."

Munny Begum also wrote a letter to General Clavering, in which she directly asserts the same.

" Mr. Goring has pressed me on the subject of
" the balances; in answer to which I informed
" him, that all the particulars being on record
" would in the course of the inquiry appear from
" the papers. He accordingly received from the
" Nabob Mobarek ul Dowlah a list of three lacks
" of rupees given to the Governour and Mr. Mid-
" dleton. I now send you enclosed a list of the
" dates when it was presented, and through whose
" means, which you will receive."

The Governour-General then desired that the following

following questions might be proposed to the Begum by Mr. Martin, then resident at the Durbar.

1st. Was any application made to you for the account, which you have delivered, of three lacks of rupees, said to have been paid to the Governour and Mr. Middleton, or did you deliver the account of your own free will, and unsolicited?

2d. In what manner was the application made to you; and by whom?

3d, On what account was the sum of one and half lacks given to the Governour-General, which you have laid to his account? Was it in consequence of any requisition from him, or of any previous agreement, or of any established usage?

The Governour-General objected strongly to Mr. Goring's being present when the questions were put to the Begum; but it was insisted on by the majority, and it was resolved accordingly, that he ought to be present. The reasons on both sides will best appear by the copy of the debate, inserted in the Appendix.

The Begum's answer to the preceding questions, addressed to the Governour-General and Council, where it touched the substance, was as follows:

"The case is this: Mr. Goring, on his arrival "here, *seized all the papers, and secured them* "*under his seal; and all the Mutsuddies* [*Clerks* "*or Accountants*] *attended him, and explained to* "*him all the particulars of them.* Mr. Goring

" inquired of me concerning the arrears due to the " Sepoys, &c. observing that the Nizamut and " Bhela money [Nabob's allowance] was received " from the Company; from whence then could the " balance arise?—I made answer, that the sum " was not adequate to the expenses.—Mr. Goring " then asked, what are those expenses, which ex- " ceed the sum received from the Company?, I " replied, *all the particulars will be found in the* " *papers*. The affair of the three lacks of rupees, " *on account of entertainment for the Governour* " *and Mr. Middleton*, has been, I am told, related " to you by Rajah Gourdass; besides which there " are many other expenses, which will appear " from the papers. As the custom of entertain- " ment is of long standing, and accordingly every " Governour of Calcutta, who came to Moorshe- " dabad, received a daily sum of two thousand " rupees for entertainment, which was in fact in- " stead of provisions; and the lack and an half of " rupees, laid to Mr. Middleton's charge, was *a* " *present on account of an agreement entered into* " *by the Bhow Begum*, I therefore affixed my seal " to the account, and forwarded it to Mr. Goring " by means of the Nabob."

In this answer, the accounts given to Mr. Goring she asserts to be genuine. They are explained, in all the particulars, by all the secretaries and clerks in office. They are secured under Mr. Goring's seal.

seal. To them she refers for every thing; to them she refers for the three lacks of rupees given to Mr. Hastings and Mr. Middleton. It is impossible to combine together a clearer body of proof, composed of record of office, and verbal testimony, mutually supporting and illustrating each other.

The House will observe, that the receipt of the money is indirectly admitted by one of the Governour's own questions to Munny Begum.

If the money was not received, it would have been absurd to ask, *on what account it was given?* Both the question and the answer relate to some established usage, the appeal to which might possibly be used to justify the acceptance of the money, if it was accepted; but would be superfluous, and no way applicable to the charge, if the money was never given.

On this point, Your Committee will only add, that, in all the controversy between Mr. Hastings and the majority of the Council, he *no where denies the receipt of this money.*—In his letter to the Court of Directors, of the 31st of July 1775, he says, that the Begum was compelled by the ill treatment of one of her servants, which he calls *a species of torture*, to deliver the paper to Mr. Goring; but he no where affirms that the contents of the paper were false.

On this conduct the majority remark, "we "confess it appears very extraordinary, that

" Mr. Hastings should employ so much time and " labour to show that the discoveries against him " have been obtained by improper means, but that " he should take no step whatsoever *to invalidate* " *the truth of them.* He does not deny the receipt " of the money; the Begum's answers to the ques- " tions put to her at his own desire making it im- " possible that he should deny it. It seems, he " has formed some plan of defence against this and " similar charges, which he thinks will avail him " in a Court of Justice, and which it would be im- " prudent in him to anticipate at this time. If he " has not received the money, we see no reason " for such a guarded and cautious method of pro- " ceeding. An innocent man would take a shorter " and easier course. He would voluntarily excul- " pate himself by his oath."

Your Committee entertain doubts whether the refusal to exculpate by oath can be used as a circumstance to infer any presumption of guilt. But, where the charge is direct, specifick, circumstantial, supported by papers and verbal testimony, made before his lawful superiours, to whom he was accountable, by persons competent to charge; if innocent, he was obliged at least to oppose to it a clear and formal denial of the fact, and to make a demand for inquiry. But if he does not deny the fact, and eludes inquiry, just presumptions will be raised against him.

Your

Your Committee, willing to go to the bottom of a mode of corruption, deep and dangerous in the act and the example, being informed that Mr. Goring was in London, resolved to examine him upon the subject. Mr. Goring not only agreed with all the foregoing particulars, but even produced to Your Committee, what he declared to be the original Persian papers in his hands, delivered from behind the curtain through the Nabob himself; who having privilege, as a son-in-law, to enter the women's apartment received them from Munny Begum as authentick; the woman all the while lamenting the loss of her power with many tears, and much vociferation. She appears to have been induced to make discovery of the above practices, in order to clear herself of the notorious embezzlement of the Nabob's effects.

Your Committee examining Mr. Scott and Mr. Baber on this subject, they also produced a Persian paper, which Mr. Baber said he received from the hands of a servant of Munny Begum; and along with it a paper, purporting to be a translation into English of the Persian original. In the paper given as the translation, Munny Begum is made to allege many matters of hardship and cruelty against Mr. Goring, and an attempt to compel her to make out a false account, but does not at all deny the giving the money—very far from it. She is made to assert, indeed, "that Mr. Goring desired

" her to put down three lacks of rupees, as divided " between Mr. Hastings and Mr. Middleton. I " begged to be excused, observing to him, that " this money had neither been tendered or *accepted* " with any criminal or improper view." After some lively expressions in the European manner, she says, " that it had been customary to furnish " a table for the Governour and his attendants, " during their stay at Court. With respect to the " sum mentioned to Mr. Middleton, it was *a free* " *gift* from my own *privy purse*. *Purburam* re- " plied, he understood this money to be paid to " these gentlemen, as a gratuity for *secret services*; " and as such he should assuredly represent it." Here the payments to Mr. Hastings are fully admitted, and excused as agreeable to usage, and for keeping a table. The present to Mr. Middleton is justified as a free gift. The paper produced by Mr. Scott is not referred to by Your Committee as of any weight, but to show that it does not prove what it is produced to prove.

Your Committee, on reading the paper delivered in by Mr. Scott as a translation, perceive it to be written in a style, which they conceived was little to be expected in a faithful translation from a Persian original, being full of quaint terms and idiomatick phrases, which strongly bespeak English habits in the way of thinking, and of English peculiarities and affectations in the expression. Struck with

these

these strong internal marks of a suspicious piece, they turned to the Persian manuscript produced by Mr. Scott and Mr. Baber, and comparing it with Mr. Goring's papers, they found the latter carefully sealed upon every leaf, as they believe is the practice universal in all authentick pieces. They found on the former no seal or signature whatsoever, either at the top or bottom of the scroll. This circumstance of a want of signature not only takes away all authority from the piece as evidence, but strongly confirmed the suspicions entertained by Your Committee, on reading the translation, of unwarrantable practices in the whole conduct of this business, even if the translation should be found substantially to agree with the original, such an original as it is. The Persian roll is in the custody of the clerk of Your Committee for further examination.

Mr. Baber and Mr. Scott being examined on these material defects in the authenticalness of a paper, produced by them as authentick, could give no sort of account how it happened to be without a signature; nor did Mr. Baber explain how he came to accept and use it in that condition.

On the whole, Your Committee conceive, that all the parts of the transaction, as they appear in the Company's records, are consistent, and mutually throw light on each other.

The Court of Directors order the President and Council to appoint a *minister* to transact the *political*

political affairs of the Government, and to *select*, for that purpose, some person well qualified for the *affairs of Government*, and to be the *minister of Government*. Mr. Hastings selects for the minister so described, and so qualified, a woman locked up in a seraglio. He is ordered to appoint a guardian to the Nabob's minority. Mr. Hastings passes by his natural parent, and appoints another woman.—These acts would, of themselves, have been liable to suspicion; but a great deficiency or embezzlement soon appears in this woman's account. To exculpate herself she voluntarily declares, that she gave a considerable sum to Mr. Hastings;—who never once denies the receipt. The account given by the principal living witness of the transaction, in his evidence, is perfectly coherent, and consistent with the recorded part. The original accounts, alleged to be delivered by the lady in question, were produced by him, properly sealed and authenticated. Nothing is opposed to all this but a paper without signature, and therefore of no authority, attended with a translation of a very extraordinary appearance; and this paper, in apologizing for it, confirms the facts beyond a doubt.

Finally, Your Committee examined the principal living witness of the transaction, and finds his evidence consistent with the record. Your Committee received the original accounts, alleged to be delivered by the lady in question, properly sealed and authenticated;

authenticated; and find opposed to them nothing but a paper without a signature, and therefore of no authority, attended with a translation of a very extraordinary appearance.

In Europe, the Directors ordered opinions to be taken on a prosecution; they received one doubtful, and three positively for it.

They write, in their letter of 5th February 1777, paragraphs 32 and 33: "although it is rather our "wish to prevent evils in future, than to enter into "a severe retrospection of the past; and, where "facts are doubtful, or attended with alleviating "circumstances, to proceed with lenity, rather than "to prosecute with rigour; yet some of the cases "are so flagrantly corrupt, and others attended "with circumstances so oppressive to the inhabit-"ants, that it would be unjust to suffer the de-"linquents to go unpunished. The principal facts "have been communicated to our * Solicitor, whose "Report, confirmed by our standing Counsel, we "send you by the present conveyance; authorizing "you, at the same time, to take such steps as shall "appear proper to be pursued.

"If we find it necessary, we shall return you the "original covenants of such of our servants as re-"main in India, and have been anywise concerned "in the undue receipt of money, in order to enable

* Relative to Salt-farms, charges of the Ranny of Burdwan, and the charges of Nundcomar and Munny Begum.

you

" you to recover the same for the use of the Com-
" pany by a suit or suits at law, to be instituted in
" the Supreme Court of Judicature in Bengal."

Your Committee do not find that the covenants have been sent, or that any prosecution has been begun.

A vast scene of further peculation and corruption, as well in this business as in several other instances, appears in the evidence of the Rajah Nundcomar. That evidence, and all the proceedings relating to it, are entered in the Appendix. It was the last evidence of the kind. The informant was hanged. An attempt was made by Mr. Hastings to indict him for a conspiracy; this failing of effect, another prosecutor appeared for an offence not connected with these charges. Nundcomar, the object of that charge, was executed at the very crisis of the inquiry for an offence of another nature, not capital by the laws of the country. As long as it appeared safe, several charges were made (which are inserted at large in the Appendix); and Mr. Hastings and Mr. Barwell seemed apprehensive of many more. General Clavering, Colonel Monson, and Mr. Francis, declared, in a Minute entered on the Consultations of the 5th May 1775, that, " in the late proceedings of the Re-
" venue Board, it will appear that there is no
" species of peculation, from which the honour-
" able Governour-General has thought proper to
" abstain."

"abstain." A charge of offences of so heinous a nature, so very extensive, so very deliberate, made on record by persons of great weight, appointed by Act of Parliament his associates in the highest trust; a charge made at his own Board, to his own face, and transmitted to their common superiours, to whom they were jointly and severally accountable;—this was not a thing to be passed over by Mr. Hastings; still less ought it to have perished in other hands. It ought to have been brought to an immediate and strict discussion. General Clavering, Colonel Monson, and Mr. Francis, ought to have been punished for a groundless accusation, if such it had been. If the accusation were founded, Mr. Hastings was very unfit for the high office of Governour-General, or for any office.

After this comprehensive account, by his colleagues, of the Governour-General's conduct, these gentlemen proceeded to the particulars, and they produced the case of a corrupt bargain of Mr. Hastings concerning the disposition of office. This transaction is here stated by Your Committee in a very concise manner, being on this occasion merely intended to point out to the House the absolute necessity, which, in their opinion, exists for another sort of inquiry into the corruptions of men in power in India, than hitherto has been pursued. The proceedings may be found at large in the Appendix.

A complaint

A complaint was made that Mr. Hastings had sold the office of Phouzedar of Hughly to a person called Khân Jehan Khân, on a corrupt agreement; which was, that from his emoluments of 72,000 rupees a year he was to pay to the Governour-General 36,000 rupees annually; and to his Banyan, Cantû Babû, 4,000 more. The complainant offers to pay to the Company the 40,000 rupees, which were corruptly paid to these gentlemen, and to content himself with the allowance of 32,000.—Mr. Hastings was, if on any occasion of his life, strongly called upon to bring this matter to the most distinct issue; and Mr. Barwell, who supported his administration, and as such ought to have been tender for his honour, was bound to help him to get to the bottom of it, if his enemies should be ungenerous enough to countenance such an accusation, without permitting it to be detected and exposed. But the course they held was directly contrary. They began by an objection to receive the complaint, in which they obstinately persevered as far as their power went. Mr. Barwell was of opinion, that the Company's instructions to inquire into peculation were intended for the publick interests; that it could not forward the publick interests to enter into these inquiries; and that "he "never would be a channel of aspersing any cha-"racter, while it cannot conduce to the good of "Government."—Here was a new mode of reasoning

reasoning found out by Mr. Barwell, which might subject all inquiry into peculation to the discretion of the very persons charged with it. By that reasoning, all orders of his superiours were at his mercy; and he actually undertook to set aside those commands, which by an express Act of Parliament he was bound to obey, on his opinion of what would, or would not, conduce to the good of Government. On his principles, he either totally annihilates the authority of the Act of Parliament, or he entertains so extravagant a supposition, as that the Court of Directors possessed a more absolute authority, when their orders were not intended for the publick good, than when they were.

General Clavering was of a different opinion; he thought, "he should be wanting to the Legislature, and to the Court of Directors, if he was "not to receive the complaints of the inhabitants "when properly authenticated, and to prefer them "to the Board for investigation, as the only means, "by which these grievances can be redressed, and "the Company informed of the conduct of their "servants."

To these sentiments Colonel Monson and Mr. Francis adhered. Mr. Hastings thought it more safe, on principles similar to those assumed by Mr. Barwell, to refuse to hear the charge; but he reserved his remarks on this transaction, because they will be equally applicable to *many others, which,*

in

in the course of this business, are likely to be brought before the Board. There appeared therefore to him a probability, that the charge about the corrupt bargain was no more than the commencement of a whole class of such accusations; since he was of opinion (and what is very extraordinary, previous to any examination) that the same remarks would be applicable to several of those, which were to follow. He must suppose this class of charges very uniform, as well as very extensive.

The majority, however, pressed their point; and, notwithstanding his opposition to all inquiry, as he was supported only by Mr. Barwell, the question for it was carried. He was then desired to name a day for the appearance of the accuser, and the institution of the inquiry. Though baffled in his attempt to stop the inquiry in the first stage, Mr. Hastings made a second stand; he seems here to have recollected something inherent in his own office, that put the matter more in his power than at first he had imagined, for he speaks in a positive and commanding tone: "I will not (says his Minute) name a day for Mir Zin ul ab Dien to appear before the Board; *nor will I suffer him to appear before the Board.*"

The question for the inquiry had been carried. It was declared fit to inquire; but there was, according to him, a power, which might prevent the appearance of witnesses. On the general policy

of

of obstructing such inquiries, Mr. Francis, on a motion to that effect, made a sound remark, which cannot fail of giving rise to very serious thoughts: "that, supposing it agreed among ourselves, that the "Board shall not hear any charges or complaints "against a member of it, a case or cases may here- "after happen, in which, by a reciprocal complai- "sance to each other, our respective misconduct "may be effectually screened from inquiry; and "the Company, whose interest is concerned, or "the parties, who may have reason to complain of "any one member individually, may be left with- "out remedy."

Mr. Barwell was not of the opinion of that gentleman, nor of the maker of the motion, General Clavering, nor of Mr. Monson, who supported it. He entertains sentiments, with regard to the orders of the Directors in this particular, perfectly correspondent with those, which he had given against the original inquiry. He says, "though it may in "some little degree save the Governour-General "from personal insult—where there is no judicial "power lodged, that of inquisition can never an- "swer any good purpose." This is doctrine of a most extraordinary nature and tendency; and, as Your Committee conceive, contrary to every sound principle to be observed in the constitution of judicatures and inquisitions. The power of inquisition ought rather to be wholly separated from the

judicial, the former being a previous step to the latter, which requires other rules and methods, and ought not (if possible) to be lodged in the same hands. The rest of his Minute (contained in the Appendix) is filled with a censure on the native inhabitants; with reflections on the ill consequences, which would arise from an attention to their complaints; and with an assertion of the authority of the Supreme Court, as superseding the necessity and propriety of such inquiries in Council. With regard to his principles relative to the natives and their complaints, if they are admitted, they are of a tendency to cut off the very principle of redress. The existence of the Supreme Court, as a means of relief to the natives under all oppressions, is held out to qualify a refusal to hear in the Council. On the same pretence Mr. Hastings holds up the authority of the same tribunal. But this and other proceedings show abundantly of what efficacy that Court has been for the relief of the unhappy people of Bengal. A person in delegated authority refuses a satisfaction to his superiours, throwing himself on a Court of Justice, and supposes that nothing but what judicially appears against him is a fit subject of inquiry. But even in this Mr. Hastings fails in his application of his principle; for the majority of the Council were undoubtedly competent to order a prosecution against him in the Supreme Court, which they had no ground for without a previous inquiry.

inquiry. But their inquiry had other objects. No private accuser might choose to appear. The party, who was the subject of the peculation, might be (as here is stated) the accomplice in it. No popular action, or popular suit, was provided by the charter, under whose authority the Court was instituted. In any event, a suit might fail in the Court for the punishment of an actor in an abuse, for want of the strictest legal proof, which might yet furnish matter for the correction of the abuse, and even reasons strong enough not only to justify, but to require, the Directors instantly to address for the removal of a Governour-General. The opposition of Mr. Hastings and Mr. Barwell proved as ineffectual in this stage as the former; and a day was named by the majority for the attendance of the party.

The day following this deliberation, on the assembling of the Council, the Governour-General, Mr. Hastings, said, "he would not sit to be confronted "with such accusers, nor to *suffer* a judicial inquiry "into his conduct at the Board, of which he is "the President." As on the former occasions, he declares the Board dissolved. As on the former occasions the majority did not admit his claim to this power, they proceeded in his absence to examine the accuser and witnesses. Their proceedings are in Appendix K.

It is remarkable, that during this transaction

Khân Jehan Khân, the party, with whom the corrupt agreement was made, declined an attendance under excuses, which the majority thought pretences for delay, though they used no compulsory methods towards his appearance; at length, however, he did appear, and then a step was taken by Mr. Hastings of a very extraordinary nature, after the steps, which he had taken before, and the declarations, with which those steps had been accompanied. Mr. Hastings, who had absolutely refused to be present in the foregoing part of the proceeding, appeared with Khân Jehan Khân. And now the affair took another turn; other obstructions were raised. General Clavering said, that the informations hitherto taken had proceeded upon oath. Khân Jehan Khân had previously declared to General Clavering his readiness to be so examined; but, when called upon by the Board, he changed his mind, and alleged a delicacy, relative to his rank, with regard to the oath. In this scruple he was strongly supported by Mr. Hastings. He and Mr. Barwell went further; they contended that the Council had no right to administer an oath. They must have been very clear in that opinion, when they resisted the examination on oath of the very person, who, if he could safely swear to Mr. Hastings's innocence, owed it as a debt to his patron not to refuse it; and of the payment of this debt it was extraordinary in the patron

not

not only to enforce but to support the absolute refusal.

Although the majority did not acquiesce in this doctrine, they appeared to have doubts of the prudence of enforcing it by violent means; but, construing his refusal into a disposition to screen the peculations of the Governour-General, they treated him as guilty of a contempt of their Board, dismissed him from the service, and recommended another (not the accuser) to his office.

The reasons on both sides appear in the Appendix. Mr. Hastings accuses them bitterly of injustice to himself, in considering the refusal of this person to swear as a charge proved. How far they did so, and under what qualifications, will appear by reference to the papers in the Appendix. But Mr. Hastings "thanks God that they are not "his judges." His great hold, and not without reason, is the Supreme Court: and he "blesses "the wisdom of Parliament, that constituted a "Court of Judicature at so seasonable time, to "check the despotism of the new Council." It was thought in England, that the Court had other objects than the protection of the Governour-General against the examinations of those sent out with instructions to inquire into the peculations of men in power.

Though Mr. Hastings did at that time, and avowedly did, every thing to prevent any inquiry,

that was instituted merely for the information of the Court of Directors, yet he did not feel himself thoroughly satisfied with his own proceedings. It was evident, that to them his and Mr. Barwell's reasonings would not appear very respectful or satisfactory; he therefore promises to give them full satisfaction at some future time. In his letter of the 14th of September 1775, he reiterates a former declaration, and assures them of his resolution to this purpose in the strongest terms. "I now *again* "recur to the declaration, which I have before "made, that it is my fixed determination to carry "*literally* into execution, and *most fully and libe-* "*rally explain every circumstance of my conduct* "*on the points, upon which I have been injuriously* "*arraigned;* and to afford you the clearest con- "viction of my own integrity, and of the propriety "of my motives for my declining a present defence "of it."

These motives, as far as they can be discovered, were the violence of his adversaries, the interested character and views of the accuser, and the danger of a prosecution in the Supreme Court, which made it prudent to reserve his defence. These arguments are applicable to any charge. Notwithstanding these reasons, it is plain by the above letter that he thought himself bound, at some time or other, to give satisfaction to his masters; till he should do this, in his own opinion, he remained in an

unpleasant

unpleasant situation. But he bore his misfortune, it seems, patiently, with a confidence in their justice for his future relief. He says, "whatever evil may "fill the *long interval*, which may precede it."— That interval he has taken care to make long enough, for near eight years are now elapsed, and he has not yet taken the smallest step towards giving to the Court of Directors any explanation whatever; much less that full and liberal explanation, which he had so repeatedly and solemnly promised.

It is to be observed, that though Mr. Hastings talks in these letters much of his integrity, and of the purity of his motives, and of full explanations, he no where denies the fact of this corrupt traffick of office. Though he had adjourned his defence with so much pain to himself to so very long a day, he was not so inattentive to the ease of Khân Jehan Khân as he has shown himself to his own. He had been accused of corruptly reserving to himself a part of the emoluments of this man's office; it was a delicate business to handle, whilst his defence stood adjourned; yet, in a very short time after a majority came into his hands, he turned out the person appointed by General Clavering, &c. and replaced the very man, with whom he stood accused of the corrupt bargain; what was worse, he had been charged with originally turning out another, to make room for this man. The whole is put in

strong terms by the then majority of the Council; where, after charging him with every species of peculation, they add, "we believe, the proofs of "his appropriating four parts in seven of the salary, "with which the Company is charged for the "Phousdar of Hughley, are such as, whether sufficient or not to convict him in a Court of Justice, "will not leave the shadow of a doubt concerning "his guilt in the mind of any unprejudiced person. "—The salary is 72,000 rupees a year; the Gover- "nour takes 36,000, and allows Cantoo Baboo four "thousand more for the trouble he submits to in "conducting the negotiation with the Phousdar. "This also is the common subject of conversation "and derision through the whole settlement.—It "is our firm opinion and belief, that the late "Phousdar of Hughley, a relation of Mahomed "Reza Cawn, was turned out of this office merely "because his terms were not so favourable as those, "which the honourable Governour-General has "obtained from the present Phousdar.

"The honourable Governour-General is pleased "to assert, with a confidential spirit peculiar to "himself, that his measures hitherto stand unim- "peached, except by us. We know not how this "assertion is to be made good, unless *the most "daring and flagrant prostitution in every branch* "be deemed an honour to his administration."

The whole style and tenour of these accusations,

as

as well as the nature of them, rendered Mr. Hastings's first postponing, and afterwards totally declining, all denial, or even defence or explanation, very extraordinary. No Governour ought to hear in silence such charges; and no Court of Directors ought to have slept upon them.

The Court of Directors were not wholly inattentive to this business. They condemned his act as it deserved, and they went into the business of his legal right to dissolve the Council. Their opinions seemed against it, and they gave precise orders against the use of any such power in future. On consulting Mr. Sayer, the Company's Counsel, he was of a different opinion with regard to the legal right; but he thought, very properly, that the use of a right, and the manner and purposes, for which it was used, ought not to have been separated. What he thought on this occasion appears in his opinion, transmitted by the Court of Directors to Mr. Hastings and the Council-General; "but it "was as great a *crime* to dissolve the Council upon "*base and sinister motives*, as it would be to assume "the power of dissolving, if he had it not. I be- "lieve he is *the first Governour, that ever* dissolved "a Council inquiring into his behaviour, when he "was innocent. Before he could summon three "Councils and dissolve them, he had time fully to "consider what would be the result of such conduct,

to

"*to convince every body, beyond a doubt, of his* "*conscious guilt.*"

It was a matter but of small consolation to Mr. Hastings, during the painful interval he describes, to find that the Company's learned Counsel admitted that he had legal powers, of which he made an use, that raised an universal presumption of his guilt.

Other Counsel did not think so favourably of the powers themselves. But this matter was of less consequence, because a great difference of opinion may arise, concerning the extent of official powers, even among men professionally educated, (as in this case such a difference did arise) and well-intentioned men may take either part. But the use, that was made of it, in systematical contradiction to the Company's orders, has been stated in the Ninth Report, as well as in many others made by two of Your Committees.

*** *As the* Appendixes, *originally printed with the foregoing Reports, and which consist chiefly of official documents, would have swelled this Volume to an enormous size, it has been thought proper to omit them, with the exception of the first* nine numbers *of the* Appendix B. *to the* Eleventh Report; *the insertion of which has been judged necessary for the elucidation of the subject-matter of that Report.*

APPENDIX B. N° 1.

COPY of a Letter from the Governour-General to the Court of Directors.

To the Honourable the Court of Directors of the Honourable United East India Company.

Fort-William,
29th November, 1780.

Honourable Sirs,

YOU will be informed, by our Consultations of the 26th of June, of a very unusual tender, which was made by me to the Board on that day, for the purpose of indemnifying the Company for the extraordinary expense, which might be incurred by supplying the Detachment under the command of Major Camac, in the invasion of the Mahratta dominions, which lay beyond the district of Gohed, and drawing the attention of Mahdajee Sindia, to whom that country immediately appertained, from General Goddard, while he was employed in the reduction of Bassein, and in securing the conquests made by your arms in Guzerat.—I was desirous to remove

remove the only objection, which has been or could be ostensibly made to the measure, which I had very much at heart, as may be easily conceived from the means, which I took to effect it. For the reasons at large, which induced me to propose that diversion, it will be sufficient to refer to my Minute recommending it, and to the letters received from General Goddard near the same period of time. The subject is now become obsolete, and all the fair hopes, which I had built upon the prosecution of the Mahratta war, of its termination in a speedy, honourable, and advantageous peace have been blasted by the dreadful calamities, which have befallen your arms in the Dependencies of your Presidency of Fort Saint George; and changed the object of our pursuit from the aggrandizement of your power to its preservation. My present reason for reverting to my own conduct on the occasion, which I have mentioned, is to obviate the false conclusions, or purposed misrepresentations, which may be made of it, either as an artifice of ostentation, or as the effect of corrupt influence, by assuring you, that the money, *by whatever means it came into your possession*, was not my own; that I had myself no right to it, nor would or could have received it, but for the occasion, which prompted me to avail myself of the accidental means, which were at that instant afforded me, of accepting and converting it to the property and use of

of the Company; and with this brief apology I shall dismiss the subject.

Something of affinity to this anecdote may appear in the first aspect of *another* transaction, which I shall proceed to relate, and of which it is more immediately my duty to inform you;—you will have been advised, by repeated addresses of this Government, of the arrival of an army at Cuttac under the command of Chimnajee Boosla, the second son of Moodajee Boosla, the Rajah of Berar.

The origin and destination of this force have been largely explained and detailed in the correspondence of the government of Berar, and in various parts of our Consultations. The minute relation of these would exceed the bounds of a letter; I shall therefore confine myself to the principal fact.—About the middle of the last year, a plan of confederacy was formed by the Nabob, Nizam Ally Cawn, by which it was proposed, that, while the army of the Mahrattas, under the command of Mahdajee Sindia and Tuckoojee Hoolkar, was employed to check the operations of General Goddard in the west of India, Hyder Ally Cawn should invade the Carnatic; Moodajee Boosla the provinces of Bengal; and he himself the Sircars of Rajamundry and Chicacole.

The government of Berar was required to accept the part assigned it in this combination, and to march a large body of troops immediately into

Bengal.

Bengal. To enforce the request on the part of the ruling member of the Mahratta state, menaces of instant hostility, by the combined forces, were added by Mahdajee Sindia, Tuckoojee Hoolkar, and Nizam Ally Cawn, in letters written by them to Mooldajee Boosla on the occasion. He was not in a state to sustain the brunt of so formidable a league, and ostensibly yielded. Such at least was the turn, which he gave to his acquiescence, in his letters to me; and his subsequent conduct has justified his professions. I was early and progressively acquainted by him with the requisition, and with the measures, which were intended to be taken, and which were taken by him upon it. The army professedly destined for Bengal marched on the dusserra of the last year, corresponding with the 7th of October. Instead of taking the direct course to Behar, which had been prescribed, it proceeded by varied deviations and studied delays to Cuttac, where it arrived late in May last, having performed a practicable journey of three months in seven, and concluded it at the instant commencement of the rains, which of course would preclude its operations, and afford the government of Berar a further interval of five months to provide for the part, which it would then be compelled to choose. In the mean time letters were continually written by the Rajah and his minister to this Government, explanatory of their situation and motives; proposing

their

their mediation and guarantee for a peace and alliance with the Peshwa; and professing, without solicitation on our part, the most friendly disposition towards us, and the most determined resolution to maintain it.

Conformably to these assurances, and the acceptance of a proposal made by Moodajee Boosla to depute his minister to Bengal for the purpose of negotiating and concluding the proposed treaty of peace, application had been made to the Peshwa for credentials to the same effect.—In the mean time the fatal news arrived of the defeat of your army at Conjeveram. It now became necessary that every other object should give place, or be made subservient to the preservation of the Carnatic; nor would the measures requisite for that end admit an instant of delay. Peace with the Mahrattas was the first object; to conciliate their alliance, and that of every other power in natural enmity with Hyder Ally, the next.—Instant measures were taken (as our general advices will inform you) to secure both these points, and to employ the government of Berar as the channel and instrument of accomplishing them. Its army still lay on our borders, and in distress for a long arrear of pay, not less occasioned by the want of pecuniary funds, than a stoppage of communication. An application had been made to us for a supply of money; and the sum specified for the complete relief of the army

army was sixteen lacks. We had neither money to spare, nor, in the apparent state of that government in its relation to ours, would it have been either prudent or consistent with our publick credit to have afforded it. It was, nevertheless, my decided opinion, that some aid should be given; not less as a necessary relief, than as an indication of confidence, and a return for the many instances of substantial kindness, which we had, within the course of the last two years, experienced from the government of Berar. I had an assurance that such a proposal would receive the acquiescence of the Board; but I knew that it would not pass without opposition, and it would have become publick, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the sincerity of the government of Berar, from evidences of stronger proof to me than I could make them appear to the other members of the Board, I resolved to adopt it, and take the entire responsibility of it upon myself. In this mode, a less considerable sum would suffice; I accordingly caused three lacks of rupees to be delivered to the minister of the Rajah of Berar resident in Calcutta; he has transmitted it to Cuttac.—Two thirds of this sum I have raised by my own credit, and shall charge it in my official accounts; the other third I have supplied from the cash in my hands belonging to the Honourable Company. I have given due notice

to Moodajee Boosla of this transaction, and explained it to have been a private act of my own, unknown to the other members of the Council. I have given him expectations of the remainder of the amount required for the arrears of his army, proportioned to the extent, to which he may put it in my power to propose it as a publick gratuity, by his effectual orders for the recall of these troops, or for their junction with ours.

I hope I shall receive your approbation of what I have done for your service, and your indulgence for the length of this narrative, which I could not comprise within a narrower compass.

I have the honour to be,
Honourable Sirs,
Your most faithful, obedient,
and humble servant,
Warren Hastings.

APPENDIX B. N° 2.

AN ACCOUNT of Money paid into the Company's Treasury by the Governour-General, since the Year 1773.

May	April				
1774 to	1775.	For Interest Bonds - CR[s].	2,175*		
		For Bills of Exchange on the Court - - - - - -	1,43,937		
		For Money refunded by order of Court, Account General Coote's commission -	8,418	CR[s].	
					1,54,530
		* { Received 19th May, Cancelled 30th July, 1774.			
1775 —	1776.	For Bills of Exchange on the Court -			1,80,480
1776 —	1777.	D° - - - D° - - - - D° - -			1,96,800
1777 —	1778.	D° - - - D° - - - - D° - -			1,08,000
1778 —	1779.	D° - - - D° - - - - D° - -			1,43,000
1779 —	1780.	D° - - - D° - - - - D° - -			1,21,600
1780 —	1781.	For Bills of Exchange - CR[s].	43,000		
		For Deposits - - - - -	2,38,715		
		For Interest Bonds at 8 per cent.	4,75,600		
		For - - - D° - - 4 per cent.	1,16,000		
		For Durbar Charges - - -	2,32,000		
					11,55,315
May	1782.	For Interest Bonds - - - - - -			35,000
				CR[s].	20,94,725

East-India House, 11th June 1783.

(Errours excepted)
John Annis.
Auditor of Indian Accounts.

APPENDIX B. N° 3.

To the Honourable the Secret Committee of the Honourable Court of Directors.

Fort-William, 22d May 1782.

Honourable Sirs,

IN a letter, which I have had the honour to address you in duplicate, and of which a triplicate accompanies this, dated 20th January 1782, I informed you that I had received the offer of a sum of money from the Nabob Vizier and his ministers to the nominal amount of ten lacks of Lucknow Siccas; and that bills on the house of Gopaul Doss had been actually given me for the amount, which I had accepted for the use of the Honourable Company; and I promised to account with you for the same as soon as it should be in my power, after the whole sum had come into my possession. This promise I now perform; and, deeming it consistent with the spirit of it, I have added such *other* sums as have been occasionally converted to the Company's property through my means, and in consequence of the like original destination. Of the second of these you have been already advised in

a letter, which I had the honour to address the honourable Court of Directors, dated 29th November 1780. Both this and the third article were paid immediately to the treasury, by my order to the sub-treasurer to receive them on the Company's account, but never passed through my hands. The three sums, for which bonds were granted, were in like manner paid to the Company's treasury, without passing through my hands; but their appropriation was not specified.

The sum of 58,000 current rupees was received while I was on my journey to Benares, and applied as expressed in the account.

As to the manner, in which these sums have been expended, the reference, which I have made of it, in the accompanying account, to the several accounts, in which they are credited, renders any other specification of it unnecessary; besides that those accounts either have, or will have, received a much stronger authentication than any that I could give to mine.

Why these sums were taken by me; why they were, except the second, quietly transferred to the Company's use; why bonds were taken for the first, and not for the rest; might, were this matter to be exposed to the view of the Publick, furnish a variety of conjectures, to which it would be of little use to reply. Were your honourable Court to question me upon these points, I would answer

that the sums were taken for the Company's benefit at times, in which the Company very much needed them; that I either chose to conceal the first receipts from publick curiosity by receiving bonds for the amount; or possibly acted without any studied design, which my memory could at this distance of time verify; and that I did not think it worth my care to observe the same means with the rest. I trust, honourable Sirs, to your breasts for a candid interpretation of my actions, and assume the freedom to add, that I think myself, on such a subject, and on such an occasion, entitled to it.

I have the honour to be,
Honourable Sirs,
Your most faithful, most obedient,
and most humble servant,
Warren Hastings.

APPENDIX B. N°4.

AN ACCOUNT of Sums received on the account of the Honourable Company by the Governour-General, or paid to their Treasury by his order, and applied to their service.

1780.		
October. The following sums were paid into the Treasury, and Bonds granted for the same, in the name of the Governour-General, in whose possession the Bonds remain, with a declaration upon each endorsed, and signed by him, that he has no claim on the Company for the amount either of Principal or Interest, no part of the latter having been received:		
One Bond, dated the 1st October 1780, N° 1539,	1,16,000 — —	
One Bond, dated the 2d October 1780, N° 1540,	1,16,000 — —	
One Bond, dated the 23d November 1780, N° 1354,	1,74,000 — —	
		4,06,000 — —
November. Paid into the Treasury, and carried to the Governour-General's credit in the 12th page of the Deposites Journal of 1780-81, Mohurs of Sorts, which had been coined in the Mint, and produced, as per 358 and 359 pages of the Company's General Journal of 1780-81,		
Gold Mohurs - - - -	12,861 12 11	
or Calcutta Siccas - -	2,05,788 14 9	
Batta 16 per cent. - -	32,926 3 6	
		2,38,715 2 3
Carried forward - -	CR°.	6,44,715 2 3

AN Account of Sums received, &c.—*continued.*

Brought forward - - - CR^{s}.	6,44,715	2	3
1781.			
30 April. Paid into the Treasury, and credited in the 637th page of the Company's General Journal, as Money received from the Governour-General, on account of Durbar charges - - Sicca Rup^{s} 2,00,000 — —			
Batta 16 per cent. - - 32,000 — —			
	2,32,000	—	—
August. Received in Cash, and employed in defraying my publick disbursements, and credited in the Governour-General's account of Durbar charges for April 1782 - - - - - - - - - -	58,000	—	—
Produce of the sum mentioned in the Governour-General's letter to the honourable Secret Committee, dated 20th January 1782, and credited in the Governour-General's account of Durbar charges for April 1782 - - - - - - - -	10,30,275	1	3
Current Rupees - - -	19,64,990	3	6

Fort-William,
22d May 1782.

(Errours excepted.)

Warren Hastings.

APPENDIX B. N° 5.

I, William Larkins, do make oath, and say, that the letter and account, to which this affidavit is affixed, were written by me, at the request of the Honourable Warren Hastings, Esquire, on the 22d May 1782, from rough draughts written by himself in my presence: that the cover of the letter was sealed up by him in my presence, and was then intended to be transmitted to England by the Lively, when that vessel was first ordered for dispatch; and that it has remained closed until this day, when it was opened for the express purpose of being accompanied by this affidavit.

So help me God,

William Larkins.

Calcutta,
16th December 1782.

Sworn this 16th day of December 1782,
before me,

J. Hyde.

APPENDIX B. N° 6.

To the Honourable the Secret Committee of the Honourable Court of Directors.

Fort William, 16 December 1782.

Honourable Sirs,

THE dispatch of the Lively having been protracted by various causes from time to time, the accompanying address, which was originally designed and prepared for that dispatch (no other conveyance since occurring) has of course been thus long detained. The delay is of no publick consequence; but it has produced a situation, which, with respect to myself, I regard as unfortunate, because it exposes me to the meanest imputation, from the occasion, which the late Parliamentary inquiries have since furnished, but which were unknown when my letter was written, and written in the necessary consequence of a promise, made to that effect in a former letter to your honourable Committee, dated 20th January last. However, to preclude the possibility of such reflections from affecting me, I have desired Mr. Larkins, who was privy to the whole transaction,

to

to affix to the letter his affidavit of the date, in which it was written. I own I feel most sensibly the mortification of being reduced to the necessity of using such precautions, to guard my reputation from dishonour.—If I had, at any time, possessed that degree of confidence from my immediate employers, which they never withheld from the meanest of my predecessors, I should have disdained to use these attentions: how I have drawn on me a different treatment I know not; it is sufficient that I have not merited it: and in the course of a service of thirty-two years, and ten of these employed in maintaining the powers, and discharging the duties, of the first office of the British Government in India, that honourable Court ought to know whether I possess the integrity and honour, which are the first requisites of such a station. If I wanted these, they have afforded me but too powerful incentives to suppress the information, which I now convey to them through you; and to appropriate to my own use the sums, which I have already passed to their credit, by the unworthy, and, pardon me if I add, dangerous reflections, which they have passed upon me for the first communication of this kind; and your own experience will suggest to you that there are persons, who would profit by such a warning.

Upon the whole of these transactions, which to you, who are accustomed to view business in an official and regular light, may appear unprecedented,

dented, if not improper, I have but a few short remarks to suggest to your consideration.

If I appear in any unfavourable light by these transactions, I resign the common and legal security of those, who commit crimes or errours. I am ready to answer every particular question, that may be put against myself, upon honour, or upon oath.

The sources, from which these reliefs to the publick service have come, would never have yielded them to the Company publickly; and the exigencies of your service (exigencies created by the exposition of your affairs, and faction in your councils) required those supplies.

I could have concealed them, had I had a wrong motive, from yours and the publick eye for ever; and I know that the difficulties, to which a spirit of injustice may subject me for my candour and avowal, are greater than any possible inconvenience, that could have attended the concealment, except the dissatisfaction of my own mind. These difficulties are but a few of those, which I have suffered in your service. The applause of my own breast is my surest reward, and was the support of my mind in meeting them: your applause, and that of my country, are my next wish in life.

I have the honour to be,
Honourable Sirs,
Your most faithful, most obedient,
and most humble servant,
Warren Haſtings.

APPENDIX B, N° 7.

EXTRACT of the Company's General Letter to Bengal; dated the 25th of January 1782.

Par. 127. WE have received a letter from our Governour-General, dated the 29th of November 1780, relative to an unusual tender and advance of money, made by him to the Council, as entered on your Consultation of the 26th of June, for the purpose of indemnifying the Company from the extraordinary charge, which might be incurred by supplying the detachment under the command of Major Camac, in the invasion of the Mahratta dominions, which lay beyond the district of Gohud; and thereby drawing the attention of Mhadjee Scindia (to whom the country appertained) from General Goddard, while the General was employed in the reduction of Bassein, and in securing the conquests made in the Guzerat country; and also respecting the sum of three lacks of rupees advanced by the Governour-General for the use of the army under the command of Chimnajee Boosla without the authority or knowledge of the Council; with the reasons for taking these extraordinary steps, under the circumstances stated in his letter.

128.

128. In regard to the first of these transactions, we readily conceive, that in the then state of the Council the Governour-General might be induced to temporary secrecy respecting the members of the Board, not only because he might be apprehensive of opposition to the proposed application of the money, but, perhaps, because doubts might have arisen concerning the propriety of appropriating it to the Company's use, on any account; but it does *not appear to us*, that there could be any real necessity for delaying to communicate to us immediate information of the channel, by which the money came into his possession, with a complete illustration of the cause or causes of so extraordinary an event.

129. Circumstanced as affairs were at the moment, it appears that the Governour-General had the measure much at heart, and judged it absolutely necessary. The means proposed of defraying the extra expense were very extraordinary; and the money, as we conceive, must have come into his hands by an unusual channel: and when more complete information comes before us, we shall give our sentiments fully upon the whole transaction.

130. In regard to the application of the Company's money to the army of Chimnajee Boofla by the sole authority of the Governour-General, he knew that it was entirely at his own risk, and he has

has taken the responsibility upon himself; nothing but the most urgent necessity could warrant the measure; nor can any thing short of full proof of such necessity, and of the propriety and utility of the extraordinary step taken on the occasion, entitle the Governour-General to the approbation of the Court of Directors; and therefore, as in the former instance, relative to the sum advanced and paid into our treasury, we must also, for the present, *suspend* our judgment respecting the money sent to the Berar army; without approving it in the least degree, or proceeding to censure our Governour-General for this transaction.

APPENDIX B. N° 8.

EXTRACT of Bengal Secret Consultations, the 9th January 1781.

THE following letter from the Governour-General having been circulated, and the request therein made complied with, an order on the Treasury passed accordingly.

Honourable Sir and Sirs,

Having had occasion to disburse the sum of three lacks of Sicca rupees on account of secret services,

services, which having been advanced from my own private cash, I request the same may be repaid to me in the following manner:—a bond to be granted me upon the terms of the second loan, bearing date from the 1st of October, for one lack of Sicca rupees: a bond to be granted me upon the terms of the first loan, bearing date from the 1st October, for one lack of Sicca rupees: a bond to be granted me upon the terms of the first loan, bearing date from the 2d October, for one lack of Sicca rupees.

I have the honour to be, &c. &c.

(Signed) *Warren Hastings.*

Fort William,
5th January 1781.

APPENDIX B. N° 9.

An ACCOUNT of Bonds granted to the Governour-General, from 1st January 1779 to 31st May 1782, with interest paid or credited thereon.

When paid into the Treasury.	Sum.	Date of Bond.	Rate of Interest.
	CR°.		
23d November 1780	1,74,000	23d November 1780	at 8 per cent.
15th December -	69,600	15th December -	D°
15th January 1781	1,16,000	1st October 1780 -	D°
D° - - - -	1,16,000	2d D° - - - -	D°
D° - - - -	1,16,000	1st D° - - - -	4 per cent.
17th March - -	50,000	17th March 1781 -	D°
8th May 1782 - -	20,000	15th Sept. 1781 -	8 per cent.
D° - - - -	15,000	8th December 1781	D°
	6,76,600		

There does not appear to have been any interest paid on the above Bonds to 31st May 1782, the last accounts received. In the Interest Books 1780-81, the last received, the Governour-General has credit for interest on the first six to April 1781, to the amount of CR°. 21,964. 12. 8.

East-India House,
5th June 1783.

(Errours excepted.)
John Annis,
Auditor of Indian Accounts.

ARTICLES

Of Charge of High Crimes and Misdemeanors, against WARREN HASTINGS, Esquire, late Governour-General of Bengal.

Presented to the House of Commons upon the 4th day of April 1786.

I. ROHILLA WAR.

THAT the Court of Directors of the East-India Company, from a just sense of the danger and odium incident to the extension of their conquests in the East Indies, and from an experience of the disorders and corrupt practices, which intrigues and negotiations to bring about revolutions among the Country Powers had produced, did positively and repeatedly direct their servants in Bengal not to engage in any offensive war whatsoever:—that the said Court laid it down as an *invariable maxim, which ought ever to be maintained, that they were to avoid taking part in the political schemes of any of the Country Princes*; and did, in particular, order and direct, that they should not engage with a certain prince called Sujah ul Dowla, Nabob of Oude,

Oude, and Vizier of the empire, in any operations, beyond certain limits in the said orders specially described.

That Warren Hastings, Esq. then Governour of Fort-William in Bengal, did, with other members of the Council, declare his clear understanding of the true intent and meaning of the said positive and repeated orders and injunctions; did express to the Court of Directors his approbation of the policy thereof;—did declare, that he adopted the same *with sincerity and satisfaction*, and that he was *too well aware of the ruinous tendency of all schemes of conquest, ever to adopt them, or ever to depart from the absolute line of self-defence, unless impelled to it by the most obvious necessity*;—did signify to the Nabob of Oude the said orders, and his obligation to yield punctual obedience thereto; and did solemnly engage and promise to the Court of Directors, with the *unanimous concurrence* of the whole Council, "that no object or consideration should either tempt or compel him to pass "the political line, which they (the Directors) had "laid down for his operations with the vizier;" assuring the Court of Directors, that he "scarce "saw a possible advantage, which could compen-"sate the hazard and expense to be incurred by a "contrary conduct:"—that he did frequently repeat the same declarations, or declarations to the same effect, particularly in a letter to the Nabob

himself of the 22d of November 1773, in the following words: "The commands of my supe-"riours are, as I have repeatedly informed you, "peremptory, that I shall not suffer their arms to "be carried beyond the line of their own boun-"daries, and those of your Excellency their ally."

That the said Warren Hastings, in direct contradiction to the said orders, and to his own sense of their propriety and coercive authority, and in breach of his express promises and engagements, did, in September 1773, enter into a private engagement with the said Nabob of Oude, who was the special object of the prohibition, to furnish him, for a stipulated sum of money to be paid to the East-India Company, with a body of troops for the declared purpose of "thoroughly extirpating the nation of the Rohillas;"—a nation, from whom the Company had never received, or pretended to receive, or apprehend, any injury whatsoever; whose country, in the month of February 1773, by an unanimous resolution of the said Warren Hastings and his Council, was included in the line of defence against the Mahrattas, and from whom the Nabob never complained of an aggression or act of hostility, nor pretended a distinct cause of quarrel, other than the non-payment of a sum of money in dispute between him and that people.

That supposing the sum of money in question to have

have been strictly due to the said Nabob, by virtue of any engagement between him and the Rohilla Chiefs, the East India Company, or their representatives, were not parties to that engagement, or guarantees thereof, nor bound by any obligation whatever to enforce the execution of it.'

That, previous to the said Warren Hastings's entering into the agreement or bargain aforesaid to extirpate the said nation, he did not make, or cause to be made, a due inquiry into the validity of the sole pretext used by the said Nabob; nor did he give notice of the said claims of debt to the nation of the Rohillas, in order to receive an explanation on their part of the matter in litigation, nor did he offer any mediation, nor propose, nor afford an opportunity of proposing, an agreement or submission, by which the calamities of war might be avoided; as, by the high state, in which the East-India Company stood as a sovereign power in the East, and the honour and character it ought to maintain, as well as by the principles of equity and humanity, and by the true and obvious policy of uniting the power of the Mahometan princes against the Mahrattas, he was bound to do:—that, instead of such previous inquiry, or tender of good offices, the said Warren Hastings did stimulate the ambition and ferocity of the Nabob of Oude to the full completion of the inhuman end of the said unjustifiable enterprise by informing him, "that it

" would be absolutely necessary to persevere in it " until it should be accomplished;" pretending, that a fear of the Company's displeasure was his motive for annexing the accomplishment of the enterprise as a condition of his assistance, and asserting " that he could not hazard or answer " for the displeasure of the Company, his masters, " if they should find themselves involved in a " *fruitless* war, or in an expense for prosecuting " it;"—a pretence tending to the high dishonour of the East-India Company, as if the gain to be acquired was to reconcile that body to the breach of their own orders prohibiting all such enterprises.—And in order further to involve the said Nabob beyond the power of retreating, he did, in the course of the proceeding, purposely put the said Nabob under difficulties in case he should decline that war, and did oblige him to accept even the permission to relinquish the execution of this unjust project as a favour, and *to make concessions for it;* thereby acting as if the Company were principals in the hostility; and employing for this purpose much double dealing, and divers unworthy artifices, to entangle and perplex the said Nabob, but by means of which he found himself (as he has entered it on record) *hampered and embarrassed in a particular manner.*

That the said compact for offensive alliance in favour of a great prince, against a considerable

na tion,

nation, was not carried on by projects and counter-projects in writing; nor were the articles and conditions thereof, formed into any regular written instrument, signed and sealed by the parties; but the whole (both the negotiation and the compact of offensive alliance against the Rohillas) was a mere verbal engagement, the purport and conventions whereof no where appeared, except in subsequent correspondence, in which certain of the articles, as they were stated by the several parties, did materially differ;—a proceeding new and unprecedented, and directly leading to mutual misconstruction, evasion, and ill faith, and tending to encourage and protect every species of corrupt, clandestine practice:—that, at the time when this private verbal agreement was made by the said Warren Hastings with the Nabob of Oude, a publick ostensible treaty was concluded by him with the said Nabob, in which there is no mention whatever of such agreement, or reference whatever to it; in defence of which omission it is asserted by the said Warren Hastings, that *the multiplication of treaties weakens their efficacy, and therefore they should be reserved only for very important and permanent obligations*; notwithstanding he had previously declared to the said Nabob, "that the points, which he had proposed, required much consideration, and the previous ratification of a formal agreement before he could consent to them."—That the whole of

the said verbal agreement with the Nabob of Oude in his own person, without any assistance on his part, was carried on and concluded by the said Warren Hastings alone, without any person, who might witness the same; without the intervention even of an interpreter, though he confesses that he spoke the Hindostan language *imperfectly*, and although he had with him at that time and place several persons high in the Company's service and confidence, namely, the Commander in Chief of their forces, two members of their Council, and the Secretary to the Council, who were not otherwise acquainted with the proceedings between him and the said Nabob, than by such communications as he thought fit to make to them.

That the object avowed by the said Warren Hastings, and the motives urged by him for employing the British arms in the utter extirpation of the Rohilla nation, are stated by himself in the following terms: " the acquisition of forty lacks of " rupees to the Company, and of so much species " added to the exhausted currency of our pro- " vinces;—that it would give wealth to the Nabob " of Oude, of which we should participate;—that " the said Warren Hastings *should* always be " ready to profess that he did reckon the probable " acquisition of wealth among his reasons for taking " up arms against his *neighbours*;—that it would " ease the Company of a considerable part of their

" military

" military expense, and preserve their troops from " inaction and relaxation of discipline;—that the " weak state of the Rohillas promised an easy " conquest of them; and, finally, that such was " his idea of the Company's distress at home, " added to his knowledge of their wants abroad, " that he should have been glad of *any* occasion " to employ their forces, which saved so much of " their pay and expenses."

That, in the private verbal agreement aforesaid for offensive war, the said Warren Hastings did transgress the bounds of the authority given him by his instructions from the Council of Fort-William, which had limited his powers to such compacts " as were consistent with the spirit of the Com- " pany's orders;" which Council he afterwards persuaded, and with difficulty drew into an acquiescence in what he had done.

That the agreement to the effect aforesaid was settled in the said secret conferences, before the 10th of September 1773; but the said Warren Hastings, concealing from the Court of Directors a matter, of which it was his duty to afford them the earliest and fullest information, did, on the said 10th of September 1773, write to the Directors, and dispatched his letter over land, giving them an account of the publick treaty, but taking not the least notice of his agreement for a mercenary war against the nation of the Rohillas.

That,

That, in order to conceal the true purport of the said clandestine agreement the more effectually, and until he should find means of gaining over the rest of the Council to a concurrence in his disobedience of orders, he entered a minute in the Council books, giving a false account of the transaction; in which minute he represented, that the Nabob had indeed *proposed* the design aforesaid, and that he (the said Warren Hastings) *was pleased that he urged the scheme of this expedition no farther*, when in reality and truth, he had absolutely consented to the said enterprise, and had engaged to assist him in it (which he afterwards admitted) and confessed that he did act in consequence of the same.

That the said Warren Hastings and his Council were sensible of the true nature of the enterprise, in which they had engaged the Company's arms, and of the heavy responsibility, to which it would subject himself and the Council, "the per-
" sonal hazard they, the Council, run, in under-
" taking so *uncommon* a measure without *positive*
" instructions at their own risk, with the eyes of
" the whole nation on the affairs of the Company,
" and the passions and prejudices of almost every
" man in England inflamed against the conduct of
" the Company, and the character of its ser-
" vants;"—yet they engaged in the very practice, which had brought such odium on the Company,

and on the character of its servants, though they further say, that they had continually before *their eyes the dread of forfeiting the favour of their employers*, and becoming the "objects of *popular* "invectives." The said Warren Hastings himself says, at the very time when he proposed the measure, "I must confess, I entertain some doubts as "to its expediency at this time, from the circum-"stances of the *Company* at home, exposed to "*popular* clamour, and all its measures liable to "be canvassed in *Parliament;* their Charter "drawing to a close, and His Majesty's ministers "unquestionably ready to take advantage of every "unfavourable circumstance in the negotiations of "its renewal." All these considerations did not prevent the said Warren Hastings from making and carrying into execution the said mercenary agreement for a sum of money, the payment of which the Nabob endeavoured to evade on a construction of the verbal treaty; and was so far from being insisted on, as it ought to have been, by the said Warren Hastings, that when, after the completion of the service, the Commander in Chief was directed to make a demand of the money, the agent of the said Warren Hastings at the same time assured the Nabob, "that the demand was "nothing more than matter of form, common, and "even necessary in all publick transactions; and "that, although the Board considered the claim

"of

"of the Government literally due, it was not the "intention of administration to prescribe to his "Excellency *the mode or even limits of payment.*" Nor was any part of the money recovered until the establishment of the Governour-General and Council by Act of Parliament, and their determination to withdraw the brigade from the Nabob's service: the Resident at his Court, appointed by the said Warren Hastings, having written *that he had experienced much duplicity and deceit in most of his transactions with his Excellency;* and the said Nabob and his successours falling back in other payments in the same or greater proportion, as he advanced in the payment of this debt; the consideration of lucre to the Company, the declared motive to this shameful transaction, totally failed, and no money in effect and substance (as far as by any account to be depended on appears) has been obtained.

That the said Nabob of Oude did, in consequence of the said agreement, and with the assistance of British troops, which were ordered to march, and subjected to his disposal by the said Warren Hastings and the Council, unjustly enter into and invade the country of the Rohillas, and did there make war in a barbarous and inhuman manner, "by an abuse of victory;" "by the unne-"cessary destruction of the country;" "by a "wanton display of violence and oppression, of

"inhumanity

" inhumanity and cruelty;" and " by the sudden " expulsion and casting down of an whole race of " people, to whom the slightest benevolence was " denied." When prayer was made not to dishonour the Begum (a princess of great rank, whose husband had been killed in battle) and other women, by *dragging them about the country, to be loaded with the scoffs of the Nabob's rabble, and otherwise still worse used*, the Nabob refused to listen to the entreaties of a British commander in chief in their favour; and the said women of high rank were exposed not only to the vilest personal indignities, but even to absolute want; and these transactions being by Colonel Champion communicated to the said Warren Hastings, instead of commendations for his intelligence, and orders to redress the said evils, and to prevent the like in future by means, which were suggested, and which appear to have been proper and feasible, he received a reprimand from the said Warren Hastings, who declared that we had no authority to control the conduct of the Vizier in the treatment of his subjects: and that Colonel Champion desisted from making further representations on this subject to the said Warren Hastings, being apprehensive of having already run some risk of displeasing by perhaps a too free communication of sentiments. —That, in consequence of the said proceedings, not only the eminent families of the chiefs of the Rohilla

Rohilla nation were either cut off or banished, and their wives and offspring reduced to utter ruin, but the country itself, heretofore distinguished above all others for the extent of its cultivation, as a *garden*, not having *one spot* in it of *uncultivated* ground, and from being *in the most flourishing state that a country could be*, was, by the inhuman mode of carrying on the war, and the ill government during the consequent usurpation, reduced to a state of great decay and depopulation, in which it still remains.

That the East-India Company, having had reason to conceive that, for the purpose of concealing corrupt transactions, their servants in India had made unfair, mutilated, and garbled communications of correspondence, and sometimes had wholly withheld the same, made an order in their letter of the 23d of March 1770, in the following tenour. —" The Governour singly shall correspond with " the Country Powers; but *all* letters, before they " shall be by him sent, must be communicated to " the other members of the Select Committee, " and receive their approbation; and also *all* " letters *whatsoever*, which may be received by the " Governour, in answer to, or in course of corre- " spondence, shall likewise be laid before the said " Select Committee for their information and " consideration."—And that in their instructions to their Governour-General and Council, dated 30th

30th March 1774, they did repeat their orders to the same purpose and effect.

That the said Warren Hastings did not obey, as in duty he was bound to do, the said standing orders; nor did communicate all his correspondence with Mr. Middleton, the Company's agent at the Court of the Soubah of Oude, or with Colonel Champion, the commander in chief of the Company's forces in the Rohilla war, to the Select Committee: and when afterwards, that *is* to say, on the 25th of October 1774, he was required by the majority of the Council appointed by the Act of Parliament of 1773, whose opinion was by the said Act directed to be taken as the act of the whole Council, to produce *all* his correspondence with Mr. Middleton and Colonel Champion for the direction of their future proceedings, relative to the obscure, intricate, and critical transaction aforesaid, he did positively and pertinaciously refuse to deliver any other than such parts of the said correspondence as he thought convenient; covering his said illegal refusal under general vague pretences of secrecy and danger from the communication; although the said order and instruction of the Court of Directors above mentioned was urged to him, and although it was represented to him by the said Council, that they, as well as he, were bound by an oath of secrecy; which refusal to obey the orders of the Court of Directors (orders specially, and on weighty grounds of experience,

pointed

pointed to cases of this very nature) gave rise to much jealousy, and excited great suspicions relative to the motives and grounds, on which the Rohilla war had been undertaken.

That the said Warren Hastings, in the grounds alleged in his justification of his refusal to communicate to his colleagues in the superiour Council his correspondence with Mr. Middleton, the Company's Resident at Oude, was guilty of a new offence; arrogating to himself unprecedented and dangerous powers, on principles utterly subversive of all order and discipline in service, and introductory to corrupt confederacies and disobedience among the Company's servants; the said Warren Hastings insisting that Mr. Middleton, the Company's covenanted servant, the publick Resident for transacting the Company's affairs at the Court of the Soubah of Oude, and as such receiving from the Company a salary for his service, was no other than the *official agent* of him the said Warren Hastings, and that, being such, he was not obliged to communicate his correspondence.

That the Court of Directors, and afterwards a General Court of the Proprietors of the East-India Company, although the latter showed favourable dispositions towards the said Warren Hastings, and expressed (but without assigning any ground or reason) the highest opinion of his services and integrity, did unanimously condemn (along with his conduct relative to the Rohilla

treaty

treaty and war) his refusal to communicate his whole correspondence with Mr. Middleton to the superiour Council; yet the said Warren Hastings, in defiance of the opinion of the Directors, and the unanimous opinion of the General Court of the said East-India Company, as well as the precedent positive orders of the Court of Directors, and the injunctions of an Act of Parliament has, from that time to the present, never made any communication of the whole of his correspondence to the Governour-General and Council, or to the Court of Directors.

II. SHAW ALLUM.

THAT, in a solemn Treaty of Peace, concluded the 16th of August 1765, between the East India Company and the late Nabob of Oude, Shuja ul Dowla, and highly approved of, confirmed, and ratified by the said Company, it is agreed, "that the king Shaw Allum shall remain "in full possession of Corah, and such part of the "province of Illiabad as he now possesses, which "are ceded to his majesty as a royal demesne "for the support of his dignity and expenses."—That, in a separate agreement, concluded at the same time between the king Shaw Allum and the

then Subudar of Bengal, under the immediate security and guarantee of the English Company; the faith of the Company was pledged to the said king for the annual payment of twenty-six lacks of rupees for his support out of the revenues of Bengal; and that the said Company did then receive from the said king a grant of the Dewanny of the provinces of Bengal, Bahar, and Orissa, on the express condition of their being security for the annual payment abovementioned;—that the East-India Company have held, and continue to hold, the Dewanny so granted, and for some years have complied with the conditions, on which they accepted of the grant thereof; and have at all times acknowledged that they held the Dewanny *in virtue of the Mogul's grants.*—That the said Court of Directors, in their letter of the 30th June 1769, to Bengal, declared, "that they esteemed "themselves bound by treaty to protect the king's "person, and to secure him the possession of the "Corah and Illahabad districts;" and, supposing an agreement should be made respecting these provinces between the king and Shuja ul Dowla, the Directors then said, "that they should be sub-"ject to no further claim or requisition from the "king, excepting for the stipulated tribute for "Bengal, which they (the Governour and Coun-"cil) were to pay to his agent, or remit to him in "such manner as he might direct."

That

That, in the year 1772, the king Shaw Allum, who had hitherto resided at Allahabad, trusting to engagements, which he had entered into with the Mahrattas, quitted that place and removed to Delhi; but, having soon quarrelled with those people, and afterwards being taken prisoner, had been treated by them with very great disrespect and cruelty;—that among other instances of their abuse, and of their immediate power over him, the Governour and Council of Bengal, in their letter of the 16th of August 1773, inform the Court of Directors, that he had been *compelled, while a prisoner in their hands, to grant Sunnuds for the surrender of Corah and Illiabad to them;* and it appears, from sundry other minutes of their own, that the said Governour and Council did at all times consider the surrender abovementioned as *extorted* from the king, and *unquestionably an act of violence*, which could not alienate, or impair his right to those provinces; and that when they took possession thereof, it was at the request of the king's Naib, or viceroy, who put them under the Council's *protection;* that on this footing they were accepted by the said Warren Hastings and his Council, and for some time considered by them as a deposit committed to their care by a prince, to whom the possession thereof was particularly guarantied by the East-India Company.—In their letter of the 1st of March 1773, they (the said

Warren Hastings and his Council) say, "In no "shape can this compulsatory cession by the king "release us from the obligation we are under to "defend the provinces, which we have so particu- "larly guarantied to him." But it appears that they soon adopted other ideas, and assumed other principles concerning this object. In the instructions, dated the 23d of June 1773, which the Council of Fort-William gave to the said Warren Hastings, previous to his interview with the Nabob Shuja ul Dowla at Benares, they say, that "while "the king continued at Delhi, whither he pro- "ceeded in opposition to their most strenuous re- "monstrances, they should certainly consider the "engagements between him and the Company as "dissolved by his alienation from them and their "interest; that the possession of so remote a "country could never be expected to yield any "profit to the Company, and the defence of it "must require a perpetual aid of their forces;" yet in the same instructions they declare their opinion, that, "if the king should make overtures "to renew his former connexion, *his right to re-* "*claim the districts of Corah* and *Illiabad could* "*not with propriety be disputed;*" and they authorize the said Warren Hastings to restore them to him, *on condition that he should renounce his claim to the annual tribute of twenty-six lacks of rupees,* hereinbefore mentioned, *and to the arrears,*

which

which might be due;—thereby acknowledging the justice of a claim, which they determined not to comply with but in return for the surrender of another equally valid;—that, nevertheless, in the treaty concluded by the said Warren Hastings with Shuja ul Dowla, on the 7th of September 1773, it is asserted, that his majesty (meaning the king Shaw Allum) "having abandoned the districts of "Corah and Illiabad, and given a Sunnud for "Corah and Currah to the Mahrattas, had thereby "forfeited his right to the said districts," although it was well known to the said Warren Hastings, and had been so stated by him to the Court of Directors, that this surrender on the part of the king had been extorted from him by violence, while he was a prisoner in the hands of the Mahrattas, and although it was equally well known to the said Warren Hastings, that there was nothing in the original treaty of 1765, which could restrain the king from changing the place of his residence, consequently that his removal to Delhi could not occasion a forfeiture of his right to the provinces secured to him by that treaty.

That the said Warren Hastings, in the report, which he made of his interview and negotiations with Shujah ul Dowla, dated the 4th of October 1773, declared "that the administration would "have been culpable, in the highest degree, in "retaining possession of Corah and Illiabad *for*

"*any other purpose than that of making an advan-*
"*tage by the disposal of them,*" and therefore he had ceded them to the Vizier for fifty lacks of rupees, a measure, for which he had no authority whatever from the king Shaw Allum, and in the execution of which no reserve whatever was made in favour of the rights of that prince, nor any care taken of his interests.

That the sale of these provinces to Suja Dowla involved the East-India Company in a triple breach of justice, since by the same act they violated a treaty, they sold the property of another, and they alienated a deposit committed to their friendship and good faith, and as such accepted by them;—that a measure of this nature is not to be defended on motives of policy and convenience, supposing such motives to have existed, without a total loss of publick honour, and shaking all security in the faith of treaties; but that in reality the pretences urged by the said Warren Hastings for selling the king's country to Suja Dowla were false and invalid.—It could not strengthen our alliance with Sujah ul Dowla; since, paying a price for a purchase, he received no favour, and incurred no obligation. It did not free the Company from all the dangers attending either a remote property or a remote connexion; since, the moment the country in question became part of Suja Dowla's dominions, it was included in the Company's former guarantee of

those

those dominions, and in case of invasion the Company were obliged to send part of their army to defend it, at the requisition of the said Suja Dowla; and if the remote situation of those provinces made the defence of them difficult and dangerous, much more was it a difficult and dangerous enterprise to engage the Company's force in an attack and invasion of the Rohillas, whose country lay at a much greater distance from the Company's frontier; which, nevertheless, the said Warren Hastings agreed to, and undertook at the very time when, under pretence of the difficulty of defending Corah and Illiabad, he sold those provinces to Suja Dowla. It did not relieve the Company from the *expense* of defending the country, since the revenues thereof far exceeded the subsidy to be paid by Suja Dowla, and these revenues justly belonged to the Company as long as the country continued under their protection; and would have answered the expense of defending it.—Finally, that the sum of fifty lacks of rupees, stipulated with the said Suja Dowla, was inadequate to the value of the country, the annual revenues of which were stated at twenty-five lack of rupees, which General Sir Robert Barker, then commander-in-chief of the Company's forces, affirms, *was certain, and too generally known to admit of a doubt.*

That the king Shaw Allum received for some years the annual tribute of twenty-six lacks of

rupees abovementioned, and was entitled to continue to receive it, by virtue of an engagement deliberately, and for an adequate consideration, entered into with him by the Company's servants, and approved of and ratified by the Company themselves; —that this engagement was absolute and unconditional, and did neither express, nor suppose, any case, in which the said king should forfeit, or the Company should have a right to resume, the tribute;—that, nevertheless, the said Warren Hastings and his Council, immediately after selling the king's country to Sûja Dowla, resolved to withhold, and actually withheld, the payment of the said tribute, of which the king Shaw Allum has never since received any part;—that this resolution of the Council is not justified, even by themselves, on principles of right and justice, but by arguments of policy and convenience, by which the best founded claims of right and justice may at all times be set aside and defeated. "They judged it highly impolitick and unsafe to answer the draughts of the king until they were satisfied of his amicable intentions, and those of his new allies." But neither had they any reason to question the king's amicable intentions, nor was he pledged to answer for those of the Mahrattas; his trusting to the good faith of that people, and relying on their assistance to reinstate him in the possession of his capital, might have been imprudent and impolitick; but

these measures, however ruinous to himself, indicated no enmity to the English, nor were they productive of any effects injurious to the English interests. And it is plain, that the said Warren Hastings and his Council were perfectly aware, that their motives or pretences for withholding the tribute were too weak to justify their conduct, having principally insisted on the reduced state of their treasury, which, as they said, *rendered it impracticable to comply with those payments.* The *right* of a creditor does not depend on the circumstances of the debtor; on the contrary, the plea of inability includes a virtual acknowledgment of the debt, since, if the creditor's right were denied, the plea would be superfluous.

That the East-India Company, having on their part violated the engagements, and renounced the conditions, on which they received, and have hitherto held and enjoyed, the Dewanny of Bengal, Bahar, and Orissa, from the king Shaw Allum, have thereby forfeited all right and title to the said Dewanny arising from the said grant, and that it is free and open to the said king to resume such grant; and to transfer it to any other prince or state;—that, notwithstanding any distress, or weakness, to which he may be actually reduced, his lawful authority, as sovereign of the Mogul Empire, is still acknowledged in India, and that his grant of the Dewanny would sufficiently authorize, and materially assist, any

prince

prince or state, that might attempt to dispossess the East-India Company thereof, since it would convey a right, which could not be disputed, and to which nothing but force could be opposed. Nor can these opinions be more strongly expressed than they have been lately by the said Warren Hastings himself, who, in a Minute, recorded the 1st of December 1784, has declared that, "fallen "as the house of Timur is, it is yet the relick of "the most illustrious line of the Eastern world;— "that *its sovereignty is universally acknowledged*, "though the substance of it no longer exists; and "that the Company itself derives its constitutional "dominion from its ostensible bounty."

That the said Warren Hastings by this declaration has renounced and condemned the principle, on which he avowedly acted towards the Mogul in the year 1773, when he denied that the Sunnuds or grants of the Mogul, if they were in the hands of another nation, would avail them any thing; and when he declared, "that the sword, which gave us "the dominion of Bengal, must be the instrument "of its preservation; and that if it should ever "cease to be ours, the next proprietor would de-"rive his *right* and possession from the same "*natural charter*." That the said Warren Hastings, to answer any immediate purpose, adopts any principle of policy, however false or dangerous, without any regard to former declarations made,

or

or to principles avowed on other occasions by himself; and particularly, that in his conduct to Shaw Allum he first maintained, that the grants of that prince were of no avail; that we held the dominion of Bengal by the sword, which he has falsely declared the source of *right*, and the *natural charter* of dominion; whereas at a later period he has declared, that the sovereignty of the family of Shaw Allum is universally acknowledged; and that the Company itself derives its constitutional dominion from their ostensible bounty.

III. BENARES.

PART I.

Rights and Titles of the Rajah of Benares.

I.

THAT the territory of Benares is a fruitful, and has been, not long since, an orderly, well-cultivated, and improved province; of great extent; and its capital city, as Warren Hastings, Esquire, has informed the Court of Directors, in his letter of the 21st of November 1781, "is highly revered "by the natives of the Hindû persuasion; so that "many, who have acquired independent fortunes, "retire to close their days in a place so eminently "distinguished

" distinguished for its sanctity:" and he further acquaints the Directors, " that it may rather be " considered as the seat of the Hindû religion, " than as the capital of a province. But as its " inhabitants are not composed of Hindûs only, " the *former* wealth, which flowed into it from the " offerings of pilgrims, as well as from the trans- " actions of exchange, for which its central situation " is adapted, has attracted numbers of Mahome- " dans, who still continue to reside in it with their " families." And these circumstances of the city of Benares, which not only attracted the attention of all the different descriptions of men, who inhabit Indostan, but interested them warmly in whatever it might suffer, did, in a peculiar manner, require, that the Governour-General and Council of Calcutta should conduct themselves with regard to its rulers and inhabitants, when it became dependent on the Company, on the most distinguished principles of good faith, equity, moderation and mildness.

II.

That the Rajah Bulwant Sing, late prince or Zemindar of the province aforesaid, was a great lord of the Mogul empire, dependent on the same, through the Vizier of the empire, the late Sujah ul Dowla, Nabob of Oude; and the said Bulwant Sing, in the commencement of the English power, did

did attach himself to the cause of the English Company; and the Court of Directors of the said Company did acknowledge, in their letter of the 26th of May 1768, that "Bulwant Sing's joining "us at the time he did was of *signal service*, and "the stipulation in his favour was what he was "justly entitled to;"—and they did commend "the care, that had been taken (by the then Presidency) of those, that had shown their attachment to them (the Company) during the war;" and they did finally express their hope and expectation in the words following; "the moderation "and attention paid to those, who have espoused "our interests in this war, will *restore* our reputation in Hindostan, and that the Indian powers "will be convinced, NO *breach of treaty will ever have our sanction.*"

III.

That the Rajah Bulwant Sing died on the 23d of August 1770, and his son, Cheit Sing, succeeding to his rights and pretensions, the Presidency of Calcutta (John Cartier, Esquire, being then president) did instruct Captain Gabriel Harper to procure a confirmation of the succession to his son Cheit Sing, "as it was of the utmost political im-"port to the Company's affairs; and that the "young man ought not to consider the price to be "paid to satisfy *the Vizier's jealousy and avarice.*"

And

And they did further declare as follows: "the "strong and inviolable attachment, which sub- "sisted betwixt the Company and the father, "makes us most readily interpose our good offices "for the son." And the young Rajah aforesaid having agreed, under the mediation of Captain Harper, to pay near two hundred thousand pounds as a gift to the said Vizier, and to increase his tribute by near thirty thousand pounds annually, a deed of confirmation was passed by the said Vizier to the said Rajah, and his heirs, by which he became a purchaser, for valuable considerations, of his right and inheritance in the Zemindary aforesaid. In consequence of this grant, so by him purchased, the Rajah was solemnly invested with the government in the city of Benares, "amidst the acclama- "tions of a numerous people, and to the great "satisfaction of all parties." And the said Harper, in his letter of the 8th October 1770, giving an account of the Investiture aforesaid, did express himself in these words, "I will leave the "young Rajah, and others, to acquaint you how I "have conducted myself; only thus much let me "say, that I have kept a strict eye not to diminish "our national honour, disinterestedness, and jus- "tice, which I will conclude has had a greater "effect in securing to the Company their vast "possessions, than even the force of arms, how- "ever formidable, could do." The president of Calcutta

Calcutta testified his approbation of the said Harper's conduct in the strongest terms, that is, in the following; "'Your disinterestedness has been "' equally distinguishable as your abilities, and both " do you the greatest honour."

IV.

That the agreement between the Rajah and Nabob aforesaid continued on both sides without any violation, under the sanction and guarantee of the East-India Company, for three years; when Warren Hastings, Esquire, being then president, did propose a further confirmation of the said grant; and did, on the 12th of October 1773, obtain a delegation for himself to be the person to negotiate the same, it being his opinion, as expressed in his Report of October 4th 1773, that the Rajah was not only entitled to the inheritance of his Zemindary by the grants through Captain Harper, but that the preceding treaty of Illiabad, though literally expressing no more than a security personal to Bulwant Sing, did, notwithstanding, in the true sense and import thereof, extend to his posterity; " and that it had been differently understood (that " is not literally) by the Company, and by this " administration; and the Vizier had *before* put " it out of all dispute by the solemn act passed in " the Rajah's favour on his succession to the " Zemindary."

V.

V.

That the Council, in their Instructions to the said Governour Hastings, did empower him "to "*renew*, in behalf of the Rajah Cheit Sing, the "stipulation, which was formerly made with the "Vizier in consideration of his services in 1764;" and the government was accordingly settled on the Rajah and his posterity, or to his heirs, on the same footing, on which it was granted to his said father, excepting the addition aforesaid to the tribute; with an express provision, "that *no increase* shall ever hereafter be demanded." And the grant and stipulation aforesaid was further confirmed by the said Sujah Ul Dowla, under the Company's guarantee, by the most solemn and awful form of oath known in the Mahomedan religion, inserted in the body of the deed or grant; and the said Warren Hastings, strongly impressed with the opinion of the propriety of protecting the Rajah, and of the injustice, malice, and avarice of the said Sujah Dowla, and the known family enmity subsisting between him and the Rajah, did declare, in his report to the Council, as follows: "I am well convinced that the Rajah's inherit-"ance, and perhaps his life, are no longer safe "than while he enjoys the Company's protection, "which is his due by the ties of justice, and the "obligations of publick faith."

VI.

VI.

That some time after the new confirmation aforesaid, that is to say, in the year 1774, the Governour-General, and Council, which had been formed, and the members thereof appointed, by Act of Parliament, did obtain the assignment of the sovereignty paramount of the said Government by treaty with the Nabob of Oude; by which, although the supreme dominion was changed, the terms and the conditions of the tenure of the Rajah of Benares remained; as the said Nabob of Oude could transfer to the East-India Company no other or greater estate than he himself possessed in or over the said Zemindary. But, to obviate any misconstruction on the subject, the said Warren Hastings did propose to the Board, that, whatever provision might in the said treaty be made for the interest of the Company, the same should be "without an encroachment on the just rights of "the Rajah, or the *engagements actually subsisting* "*with him.*"

VII.

That the said Warren Hastings then having, or pretending to have, an extraordinary care of the interest of the Rajah of Benares did, on his transfer of the sovereignty, propose a new grant to be

conveyed in new instruments to the said Rajah, conferring upon him further privileges, namely, the addition of the sovereign rights of the mint, and of the right of criminal justice of life and death. And he the said Warren Hastings, as Governour-General, did himself propose the Resolution for that purpose in Council, in the following words, with remarks explanatory of the principles, upon which the grants aforesaid were made: namely,

Minute.

VIII.

"That the perpetual and *independent* possession "of the Zemindary of Benares, and its dependencies, be *confirmed* and guarantied to the Rajah "Cheit Sing, and his Heirs for ever, *subject only* "*to the annual payment of the revenues hitherto* "*paid to the late Vizier*, amounting to Benares Sicca "Rupees, 23,71,656,12, to be disposed of as is "expressed in the following article: *that no other* "*demand be made on him either by the Nabob of* "*Oude, or this Government; nor any kind of* "*authority or jurisdiction be exercised by either* "*within the districts assigned to him.*" To which Minute he, the said Warren Hastings, did subjoin the following observation in writing, and recorded therewith in the Council-books, that is to say:

"*The Rajah of Benares, from the situation of his* "*country, which is a frontier to the provinces of*

"*Oude*

"*Oude and Bahar, may be made a serviceable ally* "*to the Company, whenever their affairs shall re-* "*quire it. He has always been considered in this* "*light both by the Company and the successive* "*members of the late Council; but, to ensure his* "*attachment to the Company, his interest must be* "*connected with it, which cannot be better effected* "*than by freeing him totally from the REMAINS* "*of his present vassallage, under the guarantee and* "*protection of the Company; and at the same* "*time guarding him against any apprehensions* "*from this Government, by thus pledging its faith* "*that no encroachment shall ever be made on his* "*rights by the Company.*" And the said Warren Hastings, on the 5th of July 1775, did himself propose, among other articles of the treaty relative to this object, one of the following tenour; "that "whilst the Rajah shall continue faithful to these "engagements, and punctual in his payments, and "shall pay due obedience to the authority of this "Government, *no more demands* shall be made "upon him by the Honourable Company of ANY "KIND; or, on any pretence whatsoever, shall "any person be allowed to interfere with his "authority, or to disturb the peace of his country." And the said article was, by the other members of the Council, assented to without debate.

IX.

On transferring the Rajah's tribute from the Nabob to the Company, the stipulation with the Nabob was renewed on the proposition of the said Warren Hastings himself, and expressed in a yet more distinct manner; namely, "that no more "demands shall be made upon him by the Ho-"nourable Company of any kind:" and the said Warren Hastings, in justification of his proposal of giving the Rajah "a complete and uncontrolled "authority over his Zemindary," did enter on the Council book the following reasons for investing him with the same; strongly indicating the situation, in which he must be left under any other circumstances, whether under the Nabob of Oude, or under the English, or under the double influence of both: "that the security of his person and "possessions from the Company's protection may "be rated equal to many lacks of rupees, *which*, "*though saved to him, are no loss to the govern-*"*ment, on which he depends, being all articles of* "*invisible expense;* in fees to the ministers and "officers of the Nabob; in the charges of a double "establishment of Vackeels to both governments; "in presents and charges of accommodation to the "Nabob, during his residence at any place within "the boundaries of his Zemindary; in *the frauds,*

"*embezzlements,*

" *embezzlements, and oppressions exercised in the mint and Cutwally;* besides the allowed profits " of those officers, and the advantages, which every " man *in occasional power, or in the credit of it, might make of the Rajah's known weakness,* and " the dread he stood in both of the displeasure of " the Nabob, *and the ill-will of individuals among the English, who were all considered, either in their present stations or connexions, or the right of succession, as members of the state of Bengal.* " It would be scarce possible to enumerate all the " inconveniences, to which the Rajah was liable " *in his former situation,* or to estimate the precise " effect, which they produced on his revenue, and " on the gross amount of his expense; but it may " be easily conceived, that both were enormous, " and of a nature the most likely to lessen the " profits of Government, instead of adding to " them." And in justification of his proposal of giving the Rajah the symbols of sovereignty in the power of life and death, and in the coining of money, as pledges of his *independence,* he states the deplorable situation of princes reduced to dependence on the Vizier, or the Company, and obliged to entertain an English Resident at their court, in the following words. " It is proposed to " receive the payment of his (the Rajah's) rents at " Patna, because that is the nearest provincial " station, and because it would not frustrate the " *intention of rendering the Rajah independent.* If

" a Resident was appointed to receive the money, " as it became due, at Benares, *such a Resident* " would unavoidably acquire an influence over the " Rajah, and over his country, *which would in* " *effect render him the master of both.* This con- " sequence might not perhaps be brought com- " pletely to pass without *a struggle, and many* " *appeals to Council,* which in a government con- " stituted like this cannot *fail to terminate against* " *the Rajah; and, by the construction, to which* " *his opposition to the agent would be liable, might* " *eventually draw on him severe restrictions, and* " *reduce him to the mean and depraved state of a* " *mere Zemindar.*"

X.

That in order to satisfy the said Rajah of the intentions of the Company towards him, and of the true sense and construction of the grants to him, the said Rajah, to be made, the Governour-General (he the said Warren Hastings) and Council did, on the 24th August 1775, instruct Mr. Fowke, the Resident at the Rajah's court, in the following words: " It is proper to assure the Rajah we do " not mean to increase his tribute, but to require " from him an exact sum. That, under the sove- " reignty of the Company, we are determined to " leave him the free and uncontrolled management " of the internal government of his country, and

" the

"the collection and regulation of the revenues, so "long as he adheres to the terms of his engage- "ment; and will *never* demand *any* augmentation "of the annual tribute, which may be fixed."

XI.

That the said Warren Hastings and the Council-General, not being satisfied with having instructed the Resident to make the representation aforesaid, to remove all suspicion that by the new grants any attempt should insidiously be made to change his former tenure, did resolve that a letter should be written by the Governour-General himself to the Rajah of Benares, to be delivered to Mr. Fowke the Resident, together with his credentials; in which letter they declare "the Board willing to "continue the grant of the Zemindary to him, in "as *full and ample a manner as he possessed it from "former sovereigns;* and on his paying the annual "tribute, &c." And in explaining the reasons for granting to him the mint and criminal justice, they inform him, that this is done in order "that he "may possess an *uncontrolled and free authority* "in the regulation and government of his Zemin- "dary."

XII.

That, on the 26th February 1776, the Board and Council did order that the proper instruments

should be prepared for conveying to the Rajah aforesaid the government and criminal justice, and mint of Benares, with its dependencies, "in the "usual form; *expressing the conditions already re-* "*solved on in the several proceedings of the Board.*" And on the same day a letter was written to the Resident at Benares, signifying that they had ordered the proper instruments to be prepared, specifying the terms concerning the remittance of the Rajah's tribute to Calcutta, as well as "*the* "*several other conditions, which had been already* "*agreed to;* and that they should forward it to "him, to be delivered to the Rajah." And on the 20th of March following, the Board did again explain the terms of the said tribute in a letter to the Court of Directors; and did add, "that a Sannud "(grant or patent) for his (Cheit Sing's) Zemin- "dary should be furnished him *on these, and the* "*conditions before agreed on.*"

XIII.

That during the course of the transactions aforesaid in Council, and the various assurances given to the Rajah and the Court of Directors, certain improper and fraudulent practices were used with regard to the symbols of investiture, which ought to have been given, and the form of the deeds, by which the said Zemindary ought to have been granted; for it appears that the original deeds

of were

were signed by the Board on the 4th September 1775, and transmitted to Mr. Fowke, the Resident at the Rajah's court; and that, on the 20th of November following, the Court of Directors were acquainted by the said Warren Hastings and the Council, that Rajah Cheit Sing had been invested with the Sannud (charters or patents) for his Zemindary, and the Kellaut (or robes of investiture) in all the proper forms. But, on the 1st of October 1775, the Rajah did complain to the Governour-General and Council, that the Kellaut (or robes), with which he was to be invested according to their order, "*is not of the same kind* "as that, which he received from the late Vizier "on the like occasion." In consequence of the said complaint, the Board did, in their letter to the Resident of the 11th of the same month, desire him "to make inquiry respecting the nature of the "Kellaut, and invest him with *one of the same* "*sort*, on the part of this Government, instead of "that, which they formerly described to him." And it appears highly probable, that the instruments, which accompanied the said robes of investiture, were made in a manner conformable to the orders and directions of the Board, and the conditions by them agreed to; as the Rajah, who complained of the insufficiency of the robes, did make no complaint of the insufficiency of the instruments, or of any deviation in them from those

he had formerly received from the Vizier. But *a copy or duplicate of the said deeds, or instruments, was in some manner surreptitiously disposed of, and withheld from the records of the Company, and never was transmitted to the Court of Directors.*

XIV.

That several months after the said settlement and investiture, namely, on the 15th of April 1776, the Secretary informed the Court that he had prepared a Sanud, Cabbolut, and Pottah (that is, a patent, an agreement, and a rent-roll) for Cheit Sing's Zemindary; and the Board ordered the same to be executed. But the Resident, on receiving the same, did transmit the several objections made by the Rajah thereto, and particularly to a clause in the patent, made in direct contradiction to the engagements of the Council so solemnly and repeatedly given; by which clause the former patents *are declared to be null.* That on the representation aforesaid, on the 29th July, the secretary was ordered to prepare new and proper instruments, *omitting the clause declaring the former patents to be null,* and the said new patents were delivered to the Rajah; and the others, which he objected to, as well as those, which had been delivered to him originally, were returned to the Presidency. But neither the first set of deeds, nor the fraudulent patent aforesaid, nor the new instruments made

out

out on the complaint of the Rajah, omitting the exceptionable words, have been inserted in the Records, although it was the particular duty of the said Warren Hastings, that all transactions with the Country Powers should be faithfully entered; as well as to take care that all instruments transmitted to them, on the faith of the Company, should be honestly, candidly, and fairly executed, according to the true intent and meaning of the engagements entered into on the part of the Company; giving, by the said complicated, artificial, and fraudulent management, as well as by his said omitting to record the said material document, strong reason to presume that he did even then meditate to make some evil use of the deeds, which he thus withheld from the Company, and which he did afterwards in reality make, when he found means and opportunity to effect his evil purpose.

PART II.

Designs of Mr. Hastings to ruin the Rajah of Benares.

I.

THAT the tribute transferred to the Company by the treaty with the Nabob of Oude, being £.250,000 a year sterling, and upwards, without any deductions whatsoever, was paid monthly, with such

such punctual exactness, as had no parallel in the Company's dealings with any of the native Princes, or with any subject Zemindar, being the only one, who never was in arrears; and, according to all appearance, a perfect harmony did prevail between the Supreme Council at Calcutta and the Rajah. But though the Rajah of Benares furnished no occasion of displeasure to the Board, yet it since appears that the said Warren Hastings did, at some time in the year 1777, conceive displeasure against him. In that year, he, the said Warren Hastings, retracted his own act of resignation of his office, made to the Court of Directors through his agent Mr. Maclean; and, calling in the aid of the military to support him in his authority, brought the divisions of the government, according to his own expression, "to an extremity bordering on civil "violence." This extremity he attributes, in a narrative by him transmitted to the Court of Directors, and printed, not to his own fraud and prevarication, but to what he calls "an attempt to "wrest from him his authority;" and in the said narrative he pretends that the Rajah of Benares had deputed an agent with an express commission to his opponent Sir John Clavering.—This fact, if it had been true (which is not proved) was in no sort criminal or offensive to the Company's Government; but was at first sight nothing more than a proper mark of duty and respect to the supposed

succession

succession of office. Nor is it possible to conceive in what manner it could offend the said Hastings, if he did not imagine that the express commission, to which in the said narrative he refers, might relate to the discovery to Sir John Clavering of some practice, which he might wish to conceal; the said Clavering, whom he styles "*his opponent*," having been engaged, in obedience to the Company's express orders, in the discovery of sundry peculations, and other evil practices, charged upon the said Hastings. But although, at the time of the said pretended deputation, he dissembled his resentment, it appears to have rankled in his mind, and that he never forgave it, of whatever nature it might have been (the same never having been by him explained); and some years after he recorded it in his justification of his oppressive conduct towards the Rajah, urging the same with great virulence and asperity as a proof or presumption of his, the said, Rajah's disaffection to the Company's Government; and, by his subsequent acts, he seems from the first to have resolved, when opportunity should occur, on a severe revenge.

II.

That, having obtained, in his casting vote, a majority in Council, on the death of Sir John Clavering, and Mr. Monson, he did suddenly, and without any previous general communication with

with the members of the Board, by a Minute of Consultation of the 9th of July 1778, make an extraordinary demand, namely, "that the Rajah of "Benares should *consent* to the establishment of "three regular battalions of Sepoys, *to be raised* "*and maintained at his own expense*;" and the said expense was estimated at between fifty and sixty thousand pounds sterling.

III.

That the said requisition did suppose the *consent* of the Rajah, the very word being inserted in the body of his, the said Warren Hastings's, minute; and the same was agreed to, though with some doubts on the parts of two of his colleagues, Mr. Francis and Mr. Wheler, concerning the right of making the same, even worded as it was. But Mr. Francis and Mr. Wheler soon after finding that the Rajah was much alarmed by this departure from the treaty, the requisition aforesaid was strenuously opposed by them. The said Hastings did, notwithstanding this opposition, persevere, and by his casting vote alone did carry the said unjust and oppressive demand. The Rajah submitted, after some murmuring and remonstrance, to pay the sum required; but on the express condition (as has been frequently asserted by him to the said Warren Hastings without any contradiction) that the exaction should

continue

continue *but for one year, and should not be drawn into precedent.* He also requested that the extraordinary demand should be paid along with the instalments of his monthly tribute: but although the said Warren Hastings did not so much as pretend that the instant payment was at all necessary, and though he was urged by his before-mentioned colleagues to moderate his proceedings, he did insist upon immediate payment of the whole; and did deliver his demand in proud and insulting language, wholly unfit for a Governour of a civilized nation to use towards eminent persons in alliance with, and in honourable and free dependence upon, its Government; and did support the same with arguments full of unwarrantable passion, and with references to reports affecting merely his own personal power and consideration, which reports were not proved, nor attempted to be proved; and, if proved, furnishing reasons insufficient for his purpose, and indecent in any publick proceedings. That the said Hastings did cause the said sums of money to be rigorously exacted, although no such regular battalions, as he pretended to establish as a colour for his demand on the Rajah, were then raised, or any steps taken towards raising them. And when the said Rajah pleaded his inability to pay the whole sum at once, he, the said Hastings, persevering in his said outrageous and violent demeanour, did order the Resident

Resident to wait on the Rajah forthwith, and "de-
" mand of him in person, and by writing, the full
" payment in species to be made to him within
" five days of such demand; and to declare to
" him, in the name of this Government, that his
" evading or neglecting to accomplish the payment
" thereof within that space of time should be
" deemed *equivalent to an absolute refusal*; and in
" case of non-compliance with this (the Resi-
" dent's) demand, *we peremptorily enjoin you to*
" *refrain from all further intercourse with him*;"
the said Hastings appearing by all his proceed-
ings, to be disposed to bring on a quarrel with the
prince of Benares, rather than to provide money
for any publick service.

IV.

That the said demand was complied with, and
the whole thereof paid on the 10th of October
that year. And the said Rajah did write to the
said Hastings a letter, in order to mitigate and
mollify him, declaring to the said Hastings, that
his sole reliance was on him, "and that in every
" instance he depended on his faith, religion, pro-
" mises, and actions." But he, the said Warren
Hastings, as if the being reminded of his faith and
promises were an incentive to him to violate the
same, although he had agreed that his demand
should not be drawn into precedent, and the
payment

payment of the £.50,000 aforesaid should continue only for one year, did, the very day after he had received the letter aforesaid, renew a demand of the same nature, and on the very same pretence, this year, even less plausible than the former, of three battalions *to be* raised. The said Rajah, on being informed of this requisition, did remind the said Warren Hastings that he engaged, in the last year, that but one payment should be made, and that he should not be called upon in future; and pleading inability to discharge the new demand, declared himself in the following words to the said Warren Hastings:—"I am therefore hopeful you "will be kindly pleased to excuse me the five "lacks now demanded, and that nothing may be "demanded of me beyond the amount expressed "in the Pottah."

V.

That on the day after the receipt of this letter, that is, on the 28th of August 1779, he, the said Warren Hastings, made a reply to the said letter; and, without any remark whatsoever on the allegation of the Rajah, stating to him his engagement, that he, the said Rajah, should not be called upon in future, he says, "I now repeat my demand, "that you do, on the receipt of this, without eva- "sion or delay, pay the five lacks of rupees into "the hands of Mr. Thomas Graham, who has

" orders to receive it from you; and, in case of " your refusal, to summon the two battalions of " Sepoys, under the command of Major Camac, " to Benares, that measures may be taken to " oblige you to a compliance; and, in this case, " the whole expense of the corps, from the time " of its march, will fall on you."

VI.

That the said Rajah did a second and third time represent to the said Warren Hastings, that he had broke his promise, and the said Hastings did in no manner deny the same; but did, in contempt thereof, as well as of the original treaty between the Company and the Rajah, order two battalions of troops to march into his territories, and in a manner the most harsh, insulting, and despotick, as if to provoke that prince to some act of resistance, did compel him to the payment of the said second unjust demand; and did extort also the sum of £. 2,000, on pretence of the charge of the troops employed to coerce him.

VII.

That the third year, that is to say, in the year 1780, the same demand was, with the same menaces, renewed; and did, as before, produce several humble remonstrances and submissive complaints, which the said Hastings did always treat as crimes

crimes and offences of the highest order: and although in the regular subsidy or tribute, which was monthly payable by treaty, fifty days of grace were allowed on each payment, and after the expiration of the said fifty days one quarter per cent. only was provided as a penalty, he, the said Warren Hastings, on some short delay of payment of his third arbitrary and illegal demand, did presume, of his own authority, to impose a fine or mulct of £. 10,000 on the said Rajah; and though it does not appear whether or no the same was actually levied, the said threat was soon after followed by an order from the said Hastings for the march of troops into the country of Benares, as in the preceding year.

VIII.

That these violent and insulting measures failing to provoke the Rajah, and he having paid up the whole demand, the said Warren Hastings, being resolved to drive him to extremities, did make on the said Rajah a sudden demand, over and above the ordinary tribute or subsidy of £. 260,000 per annum, and over and above the £. 50,000 extraordinary, to provide a body of cavalry for the service of the Bengal Government.

IX.

The demand, as expressed in the Minute of

Consultation, and in the publick instructions of the Board to the Resident to make the requisition, is "for such part of the cavalry entertained in "his service as he can spare;" and the demand is in this, and in no other, manner described by the Governour-General and Council, in their letter to the Court of Directors. But in a narrative of the said Warren Hastings's, addressed to Edward Wheler, Esquire, it appears, that upon the Rajah's making difficulties according to the representation of the said Hastings, relative to the said requisition, the correspondence concerning which the said Hastings hath fraudulently suppressed, he, the said Hastings, instead of adhering to the requisition of such cavalry *as the Rajah could spare*, and which was all, that by the Order of Council he was authorized to make, did, of his own private and arbitrary authority, in some letter, which he hath suppressed, instruct the Resident Markham to make a peremptory demand for 2000 cavalry, which he well knew to be more than the Rajah's finances could support, estimating the provision for the same at £. 96,000 a year at the lowest, though the expense of the same would probably have been much more: which extravagant demand the said Hastings could only have made in hopes of provoking the Rajah to some imprudent measure, or passionate remonstrance. And this arbitrary demand of cavalry was made, and peremptorily insisted on, although

although in the original treaty with the said Rajah it was left entirely optional whether or not he should keep up any cavalry at all: and in the Minute of Consultation it was expressly mentioned to be thus optional; and for whatsoever cavalry he the said Rajah should furnish, he should be paid fifteen rupees per month for each private, and so in proportion for officers; yet the demand aforesaid was made without any offer whatsoever of providing the said payment according to treaty.

X.

That the said Hastings did soon after, but upon what ground does not appear by any Minute of Council, or from any correspondence contained in his narrative, reduce the demand to fifteen hundred, and afterwards to one thousand; by which he showed himself to be sensible of the extravagance of his first requisition.

XI.

That in consequence of these requisitions, as he asserts in his narrative aforesaid, the Rajah "did "offer two hundred and fifty horse, but sent none." But the said Hastings doth not accompany his said narrative with any voucher or document whatever; and therefore the account given by the Rajah, and delivered to the said Warren Hastings himself, inserted by the said Warren Hastings

himself in his narrative, and in no part thereof attempted to be impeached, is more worthy of credit; that is to say,

" With respect to the horse, you desired me in " your letter to inform you of what number I " could afford to station with you. I sent you a " particular account of all, that were in my ser- " vice, amounting to one thousand three hundred " horse, of which several were stationed at distant " places; but I received no answer to this. Mr. " Markham delivered me an order to prepare " a thousand horse. In compliance with your " wishes, I collected five hundred horse, and a " substitute for the remainder, five hundred Bur- " kundasses [matchlock men], of which I sent " you information; and I told Mr. Markham that " they were ready to go to whatever place they " should be sent. No answer, however, came " from you on this head, and I remained asto- " nished at the cause of it. Repeatedly I asked " Mr. Markham about an answer to my letter " about the horse; but he told me that he did not " know the reason of no answer having been sent. " I remained astonished."

XII.

That the said Hastings is guilty of an high offence in not giving an answer to letters of such importance, and in concealing the said letters from the

the Court of Directors, as well as much of his correspondence with the Residents; and more particularly in not directing to what place the cavalry and matchlock men aforesaid should be sent, when the Rajah had declared they were ready to go to whatever service should be destined for them, and afterwards in maliciously accusing the Rajah for not having sent the same.

XIII.

That, on the 3d of February 1781, a new demand for the support of the three fictitious battalions of Sepoys aforesaid was made by the said Warren Hastings: but, whilst the Rajah was paying by instalments the said arbitrary demand, the said Rajah was alarmed with some intelligence of secret projects on foot for his ruin; and being well apprized of the malicious and revengeful temper of the said Hastings, in order to pacify him, if possible, offered to redeem himself by a large ransom, to the amount of two hundred thousand pounds sterling, to be paid for the use of the Company. And it appears that the said alarm was far from groundless; for Major Palmer, one of the secret and confidential agents of the said Hastings, hath sworn, on the 4th of December 1781, at the desire of the said Warren Hastings, before Sir Elijah Impey, to the following effect: that is to say, "that the said Warren "Hastings had told him, the said Palmer, that he,

"the said Hastings, had rejected the offer of two "hundred thousand pounds made by the Rajah "of Benares for the publick service; and that he "was resolved *to convert the faults committed* "*by the Rajah into a publick benefit*, and would "exact the sum of £.500,000 as a punishment "for his breach of engagements with the Govern- "ment of Bengal, and acts of misconduct in his "Zemindary; and, if the Rajah should absolutely "refuse the demand, that he would deprive him "of his Zemindary, or transfer the sovereignty "thereof to the Nabob of Oude."

XIV.

And Mr. Anderson, in his declaration from Scindia's camp, of the 4th of January 1782, did also, at the desire of Mr. Hastings, depose (though not on oath) concerning a conversation between him and the said Hastings (but mentioning neither the time nor place where the same was held); in which conversation, after reciting the allegations of the said Hastings relative to several particulars of the delay and backwardness of the Rajah in paying the aforesaid extra demand, and his resolution to exact from the Rajah "a considerable "sum of money to the relief of the Company's "exigencies," he proceeds in the following words: "that if he (the Rajah) consented, you (the said "Warren Hastings) were desirous of *establishing* "*his possessions on the most permanent and eligible* "*footing*;

" *footing*; but, if he refused, you had it in your " power to *raise a large sum* for the Company " by accepting an offer, which had been made for " his districts by the Vizier." And the said Anderson, in the declaration aforesaid, made at the request of the said Hastings, and addressed to him, expressed himself as follows: " that you told " me you had communicated our designs to Mr. " Wheler (his only remaining colleague); and I " believe, but I do not positively recollect, you " said he concurred in them." But no trace of any such communication or concurrence did, at the time referred to, or at any time ever after, appear on the Consultations, as it ought to have done; and the said Hastings is criminal for having omitted to enter and record the proceeding. That the said Wheler did also declare, but a considerable time after the date of the conversations aforesaid, that, " on the eve of the Governour-General's " departure, the said Hastings had told him, that " the Rajah's offences (not stating what offences, " he having paid up all the demands, ordinary " and extraordinary) *were declared* to require early " punishment; and as his *wealth was great, and* " *the Company's exigencies pressing*, it was thought " a measure of policy and justice to exact from " him a large pecuniary mulct for their relief. " The sum, to which the Governour declared his " resolution to extend the fine, was forty *or* fifty " lacks;

" lacks; his ability to pay it was stated as a fact,
" that could not admit of a doubt; and the two
" alternatives, on which the Governour declared
" himself to have resolved, were, to the best of
" my recollection, either a removal from his Ze-
" mindary entirely; or, by taking immediate
" possession of all his forts, to obtain out of the
" treasure deposited in them the above sum for
" the Company."

XV.

That, in the declaration of the said Wheler, the time of the conversation aforesaid is stated to be on the eve of the Governour's departure, and then said to be confidential; nor is it said, or insinuated, that he knew, or ever heard thereof, at a more early period, though it appears by Major Palmer's affidavit, that the design of taking not four *or* five, but absolutely five hundred thousand pounds from the Rajah, was communicated to him as early as the month of June. And it does not appear by the declarations of the said Wheler, he did ever casually or officially approve of the measure; which long concealment and late communication, time not being allowed to his colleague to consider the nature and consequences of such a project, or to advise any precaution concerning the same, is a high misdemeanor.

XVI.

XVI.

That the said Hastings, having formed a resolution to execute one of the three violent and arbitrary resolutions aforesaid, namely, to sell the Company's sovereignty over Benares to the Nabob of Oude; or to dispossess the Rajah of his territories; or to seize upon his forts, and to plunder them of the treasure therein contained, to the amount of four or five hundred thousand pounds, did reject the offer of two hundred thousand pounds, tendered by the said Rajah for his redemption from the injuries, which he had discovered that the said Hastings had clandestinely meditated against him, although the sum aforesaid would have been a considerable and seasonable acquisition at that time; the said Hastings being determined, at a critical period, to risk the existence of the British empire, rather than fail in the gratification of his revenge against the said Rajah.

XVII.

That the first of his three instituted projects, namely, the depriving the Rajah of his territories, was by himself considered as a measure likely to be productive of much odium to the British Government; he having declared, whatever opinions he might entertain of its justice, "that it would "have an appearance of *severity;* and might "furnish

" furnish grounds *unfavourable to the credit of our* " *Government, and to his own reputation*, from the " natural influence, which every *act of rigour*, ex- " ercised in the persons of men in *elevated situa-* " *tions*, is apt to impress on those, who are too re- " mote from the scene of action to judge, by any " evidence of the facts themselves, of their motives " or propriety." And the second attempt, the sum of money, which he aimed at by attacking the fortresses of the Rajah, and plundering them of the treasure supposed to be there secured, besides the obvious uncertainty of acquiring what was thus sought, would be liable to the same imputations with the former. And with regard to the third project, namely, the sale of the Company's sovereignty to the Nabob of Oude, and his having actually received proposals for the same, it was an high offence to the Company, as presuming, without their authority or consent, to put up to sale their sovereign rights; and particularly to put them up to sale to that very person, against whom the independence of the said province had been declared by the Governour-General and Council to be necessary, as a barrier for the security of the other provinces, in case of a future rupture with him. It was an heinous injury to the said Rajah, to attempt to change his relation without his consent, especially on account of the person, to whom he was to be made over for money, by reason of

See Hastings's Letter.

the

the known enmity subsisting between his family and that of the Nabob, who was to be the purchaser; and it was a grievous outrage on the innocent inhabitants of the Zemindary of Benares, to propose putting them under a person long before described by himself to the Court of Directors, "to want the qualities of the head and heart requisite for his station;" and a letter from the British Resident at Oude, transmitted to the said Court, represents him "to have wholly lost, by "his *oppressions*, the confidence and affections of "his own subjects;" and whose distresses, and the known disorders in his government, he, the said Hastings, did attribute solely to his own bad conduct and evil character; admitting also in a letter written to Edward Wheler, Esq. and transmitted to the Court of Directors, "that many circum-"stances did favour suspicion of his (the said Na-"bob's) fidelity to the English interest, the Nabob "being surrounded by men base in their characters, "and improvident in their understandings, his "favourites, and his companions of his looser hours. "These had every cause to dread the effect of my "influence on theirs; and both these, and the re-"lations of the family, whose views of consequence "and power were intercepted by our participation "in the administration of his affairs, entertained "a mortal hatred to our nation, and openly "avowed it." And the said Hastings was well aware,

aware, that in case the Nabob, by him described in the manner aforesaid, on making such purchase, should continue to observe the terms of his father's original covenants and engagements with the Rajah, and should pay the Company the only tribute, which he could lawfully exact from the said Rajah, it was impossible that he could, for the mere naked and unprofitable rights of a sovereignty paramount, afford to offer so great a sum as the Rajah did offer to the said Hastings for his redemption from oppression. Such an acquisition to the Nabob (while he kept his faith) could not possibly be of any advantage whatever to him; and that therefore, if a great sum was to be paid by the Nabob of Oude, it must be for the purpose of oppression, and violation of publick faith, to be perpetrated in the person of the said Nabob, to an extent and in a manner, which the said Hastings was then apprehensive he could not justify to the Court of Directors, as his own personal act.

PART III.

Expulsion of the Rajah of Benares.

I.

THAT the said Warren Hastings, being resolved on the ruin of the Rajah aforesaid, as a preliminary

preliminary step thereto, did, against the express orders of the Court of Directors, remove Francis Fowke, Esquire, the Company's Resident at the city of Benares, without any complaint, or pretence of complaint, whatsoever, but merely on his own declaration, that he must have, as a Resident at Benares, a person of his own special and personal nomination and confidence, and not a man of the Company's nomination; and in the place of the said Francis Fowke, thus illegally divested of his office, did appoint thereto another servant of the Company of his own choice.

II.

That soon after he had removed the Company's Resident, he prepared for a journey to the Upper Provinces, and particularly to Benares, in order to execute the wicked and perfidious designs by him before meditated and contrived; and although he did communicate his purpose privately to such persons as he thought fit to intrust therewith, he did not enter any thing on the Consultations to that purpose, or record the principles, real or pretended, on which he had resolved to act, nor did he state any guilt in the Rajah, which he intended to punish, or charge him, the said Rajah, with entertaining any hostile intentions, the effects of which were to be prevented by any strong measure; but, on the contrary, he did industriously conceal his real designs

designs from the Court of Directors, and did fallaciously enter on the Consultations a Minute, declaratory to purposes wholly different therefrom, and which supposed nothing more than an amicable adjustment, founded on the treaties between the Company and the Rajah, investing himself by his said Minute with "full power and authority to "form *such* arrangements *with* the Rajah of Be-"nares, for the *better* government and management "of his Zemindary, and to perform such acts for "the improvement of the interest, which the Com-"pany possesses in it, as he shall think *fit, and* "*consonant to the mutual engagements subsisting* "*between the Company and the Rajah;*" and for this and other purposes he did invest himself with the whole power of the Council, giving to himself an authority, as if his acts had been the acts of the Council itself; which, though a power of a dangerous, unwarrantable, and illegal extent, yet does plainly imply the following limits, namely, that the acts done should be *arranged with* the Rajah, that is, with *his consent;* and, secondly, that they should be consonant to the actual engagements between the parties; and nothing appears in the Minute conferring the said power, which did express or imply any authority for depriving the Rajah of his government, or selling the sovereignty thereof to his hereditary enemy, or for the plunder of his fort-treasures.

III.

III.

That the said Warren Hastings, having formed the plans aforesaid for the ruin of the Rajah, did set out on a journey to the city of Benares with a great train, but with a very small force, not much exceeding six companies of regular black soldiers, to perpetrate some of the unjust and violent acts by him meditated and resolved on; and the said Hastings was met, according to the usage of distinguished persons in that country, by the Rajah of Benares with a very great attendance, both in boats and on shore, which attendance he did apparently intend as a mark of honour and observance to the place and person of the said Hastings, but which the said Hastings did afterwards groundlessly and maliciously represent as an indication of a design upon his life; and the said Rajah came into the pinnace, in which the said Hastings was carried, and in a lowly and suppliant manner, alone, and without any guard or attendance whatsoever, entreated his favour; and being received with great sternness and arrogance, he did put his turban in the lap of the said Hastings, thereby signifying, that he abandoned his life and fortune to his disposal, and then departed; the said Hastings not apprehending, nor having any reason to apprehend, any violence whatsoever to his person.

IV.

That the said Hastings, in the utmost security, and freedom from apprehension, did pursue his journey, and did arrive at the city of Benares on the 14th of August 1781, some hours before the Rajah, who soon after his arrival intended to pay him a visit of honour and respect at his quarters, but was by the said Hastings rudely and insolently forbid, until he should receive his permission. And the said Hastings, although he had previously determined on the ruin of the said Rajah, in order to afford some colour of regularity and justice to his proceedings, did on the day after his arrival, that is, on the 15th day of August 1781, send to the Rajah a charge in writing, which, though informal and irregular, may be reduced to four articles, two general, and two more particular; the first of the general being, "that he (the Rajah) had, by the "means of his secret agents, endeavoured to excite "disorders in the Government, on which he de-"pended;" the second, "that he had suffered the "*daily* perpetration of robberies and murders, "even in the streets of Benares, to the great and "publick scandal of the English name."

V.

That it appears, that the said Warren Hastings is guilty of an high offence, contrary to the funda-

mental

mental principles of justice, in the said mode of charging misdemeanors without any specification of person, or place, or time, or act, or any offer of specification of proofs, by which the party charged may be enabled to refute the same, in order to unjustly load his reputation, and to prejudice him with regard to the articles more clearly specified.

VI.

That the two specified articles relate to certain delays; the first, with regard to the payment of the sums of money unjustly extorted as aforesaid; and the second, the non-compliance with a requisition of cavalry; which non-compliance the said Hastings (even if the said charges had been founded) did falsely, and in contradiction to all law, affirm and maintain (in his accusation against the Rajah, and addressing himself to him) "to amount to a "*direct* charge of disaffection and *infidelity* to the "Government, on which you depend." And further proceeded as follows: "I therefore judged it "proper to state them (the said charges) thus fully "to you in writing, and to *require* your answer; "and this I expect *immediately*." That the said Hastings, stating his pretended facts to amount to a charge of the nature (as he would have it understood) of high treason, and *therefore* calling for an *immediate* answer, did wilfully act against the rules of natural justice, which requires that a convenient

time should be given to answer, proportioned to the greatness of the offence alleged, and the heavy penalties, which attend it; and when he did arrogate to himself a right both to charge and to judge in his own person, he ought to have allowed the Rajah full opportunity for conferring with his ministers, his doctors of law, and his accountants, on the facts charged, and on the criminality inferred in the said accusation of disloyalty and disaffection, or offences of that quality.

VII.

That the said Rajah did, under the pressure of the disadvantages aforesaid, deliver in, upon the very evening of the day of the charge, a full, complete, and specifick answer to the two articles therein specified; and did allege, and offer proof, that the whole of the extraordinary demands of the said Hastings had been actually long before paid and discharged; and did state a proper defence with regard to the cavalry, even supposing him bound (when he was not bound) to furnish any. And the said Rajah did make a direct denial of the truth of the two *general* articles, and did explain himself on the same in as satisfactory a manner, and as fully as their nature could permit; offering to enter into immediate trial of the points in issue between him and the said Hastings, in the remarkable words following: "My enemies, with a view

"to

" to my ruin, have made false representations to " you. Now that, *happily for me*, you have your- " self arrived at this place, you will be able to " ascertain all the circumstances; first, relative to " the horse; secondly, to my people going to Cal- " cutta; and thirdly, the dates of the receipts of " the particular sums above mentioned. You will " then know whether I have amused you with a " false representation, or made a just report to " you." And in the said answer the said Rajah complained, but in the most modest terms, of an injury to him of the most dangerous and criminal nature in transactions of such moment, namely, his not receiving any answer to his letters and petitions; and concluded in the following words: " I have " never swerved in the smallest degree from my " duty to you. It remains with you to decide on " all these matters. I am in every case your slave. " What is just I have represented to you. May " your prosperity increase!"

VIII.

That the said Warren Hastings was bound by the essential principles of natural justice to attend to the claim made by the Rajah to a fair and impartial trial and inquiry into the matter of accusation brought against him by the said Hastings, at a time and place, which furnished all proper materials, and the presence of all necessary witnesses; but

the said Hastings, instead of instituting the said inquiry, and granting trial, did receive an humble request for justice from a great prince as a fresh offence, and as a personal insult to himself; and did conceive a violent passion of anger, and a strong resentment thereat, declaring, that he did consider the said answer as not only unsatisfactory in substance, but offensive in style. "This answer you "will perceive to be not only unsatisfactory in sub- "stance, but offensive in style; and less a vindi- "cation of himself, than a recrimination on me. "It expresses no concern for the causes of com- "plaint contained in my letter, or desire to atone "for them, nor the smallest intention to pursue a "different line of conduct. An answer couched "nearly *in terms of defiance* to requisitions of so "serious a nature I could not but consider as *a* "*strong indication of that spirit of independency,* "which the Rajah has for some years past as- "sumed, and of which indeed I had early observed "other manifest symptoms, both before and from "the instant of my arrival."—Which representation is altogether, and in all parts thereof, groundless and injurious; as the substance of the answer is a justification proper to be pleaded, and the style, if in any thing exceptionable, it is in its extreme humility, resulting rather from an unmanly and abject spirit, than from any thing of an offensive liberty; but being received as disrespectful by

the

the said Hastings, it abundantly indicates the tyrannical arrogance of the said Hastings, and the depression, into which the natives are sunk under the British Government.

IX.

That the said Warren Hastings, pretending to have been much alarmed at the offensive language of the said Rajah's defence, and at certain appearances of independency, which he had observed, not only on former occasions, but since his arrival at Benares (where he had been but little more than one day) and which appearances he never has specified in any one instance, did assert that he conceived himself indispensably obliged to adopt some decisive plan; and without any further inquiry or consultation (which appears) with any person, did at ten o'clock of the very night, on which he received the before-mentioned full and satisfactory, as well as submissive, answer, send an order to the British Resident (then being a publick minister representing the British Government at the Court of the said Rajah, and as such bound by the law of nations to respect the prince, at whose Court he was Resident, and not to attempt any thing against his person or state; and who ought not therefore to have been chosen by the said Hastings, and compelled to serve in that business) that he should on the next morning arrest the said prince in his

palace, and keep him in his custody until furthre orders; which said order being conceived in the most peremptory terms, the Rajah was put under arrest, with a guard of about thirty orderly Sepoys, with their swords drawn; and the particulars thereof were reported to him as follows:

" Honourable Sir,

" I this morning, in obedience to your orders of " last night, proceeded with a few of my orderlies, " accompanied by Lieutenant Stalker, to Shewalla " Ghaut, the present residence of Rajah Cheit " Sing, and acquainted him it was your pleasure " he should consider himself in arrest; that he " should order his people to behave in a quiet and " orderly manner, for that any attempt *to rescue* " *him would be attended with his own destruction.* " *The Rajah submitted quietly to the arrest,* and " assured me, that whatever were your orders, he " was ready implicitly to obey; he hoped that you " would allow him a *subsistence;* but as for *his Ze-* " *mindary, his forts, and his treasure, he was ready* " *to lay them at your feet, and his life if required.* " He expressed himself much hurt at the ignominy, " which he affirmed must be the consequence of " his confinement; and entreated me to return to " you with the foregoing submission, hoping that " you would make allowances for his youth and " inexperience, and in consideration of his father's

" name

" name release him from his confinement, as soon " as he should prove the sincerity of his offers, " and himself deserving of your compassion and " forgiveness."

X.

That a further order was given, that every servant of the Rajah should be disarmed, and a certain number only left to attend him, under a strict watch. In a quarter of an hour after this conversation, two companies of grenadier Sepoys were sent to the Rajah's palace by the said Hastings; and the Rajah, being dismayed by this unexpected and unprovoked treatment, wrote two short letters or petitions to the said Hastings, under the greatest apparent dejection at the outrage and dishonour he had suffered in the eyes of his subjects, (all imprisonment of persons of rank being held in that country as a mark of indelible infamy; and he also, in all probability, considering his imprisonment as a prelude to the taking away his life) and in the first of the said petitions he did express himself in this manner: " whatever may be your pleasure, do " it with your own hands; I am your slave. What " occasion can there be for a guard?" And in the other, " my honour was bestowed upon me by your " highness. It depends on you alone to take " away, or not to take away, the country out of my " hands. In case my honour is not left to me, how

" shall

"shall I be equal to the business of the Govern-
" ment? Whoever, with his hands in a supplicating
" posture, is ready with his life and property, what
" necessity can there be for him to be dealt with in
" this way?"

XI.

That according to the said Hastings's narrative of this transaction, he, the said Hastings, on account of the apparent despondency, in which these letters were written, "thought it *necessary* to give him "*some* encouragement;" and therefore wrote him a note of a few lines, carelessly and haughtily expressed, and little calculated to relieve him from his uneasiness, promising to send to him a person to explain particulars; and desiring him "to set "his mind at rest, and not to conceive any terrour "or apprehension." To which an answer of great humility and dejection was received.

XII.

That the report of the Rajah's arrest did cause a great alarm in the city, in the suburbs of which the Rajah's palace is situated, and in the adjacent country. The people were filled with dismay and anger at the outrage and indignity offered to a prince, under whose government they enjoyed much ease and happiness. Under these circumstances the Rajah desired leave to perform his ablutions;

which

which was refused, unless he sent for water, and performed that ceremony on the spot. This he did. And soon after some of the people, who now began to surround the palace in considerable numbers, attempting to force their way into the palace, a British officer, commanding the guard upon the Rajah, struck one of them with his sword. The people grew more and more irritated; but a message being sent from the Rajah to appease them, they continued, on this interposition, for a while quiet. Then the Rajah retired to a sort of stone pavilion or bastion, to perform his devotions, the guard of Sepoys attending him in this act of religion. In the mean time, a person of the meanest station, called a Chubdar, at best answering to our common beadle or tipstaff, was sent with a message (of what nature does not appear) from Mr. Hastings, or the Resident, to the prince under arrest; and this base person, without regard to the rank of the prisoner, or to his then occupation, addressed him in a rude boisterous manner, "passionately "and insultingly," (as the said Rajah has without contradiction asserted) "and reviling him with a "loud voice, gave both him and his people the "vilest abuse;" and the manner and matter being observable and audible to the multitude, divided only by an open stone lattice from the scene within, a firing commenced from without the palace; on which the Rajah again interposed; and did what in him lay to suppress the tumult, until an English,

English officer striking him with a sword, and wounding him on the hand, the people no longer kept any measures, but broke through the enclosure of the palace. The insolent tipstaff was first cut down, and the multitude falling upon the Sepoys and the English officers, the whole, or nearly the whole, were cut to pieces; the soldiers having been ordered to that service without any charges for their pieces. And in this tumult the Rajah, being justly fearful of falling into the hands of the said Hastings, did make his escape over the walls of his palace by means of a rope, formed of his turban tied together, into a boat upon the river, and from thence into a place of security; abandoning many of his family to the discretion of the said Hastings, who did cause the said palace to be occupied by a company of soldiers after the flight of the Rajah.

XIII.

That the Rajah, as soon as he had arrived at a place of refuge, did, on the very day of his flight, send a suppliant letter to the said Hastings, filled with expressions of concern (affirmed by the said Hastings to be slight expressions) for what had happened, and professions (said by the said Hastings to be indefinite and unapplied) of fidelity: but the said Warren Hastings, though bound by his duty to hear the said Rajah, and to prevent extremities, if possible, being filled with insolence

and malice, did not think it "*becoming* of him to "make any reply to it; and that he *thought* he "ordered the bearer of the letter to be told that "it *required none*."

XIV.

That, this letter of submission having been received, the said Rajah, not discouraged or provoked from using every attempt towards peace and reconciliation, did again apply, on the very morning following, to Richard Johnson, Esquire, for his interposition, but to no purpose; and did likewise, with as little effect, send a message to Cantû Babû, native steward, and confidential agent of the said Hastings, which was afterwards reduced into writing, "to exculpate himself from any concern in "what had passed, and to profess his obedience "to his *will* (Hastings's) *in whatever* way he should "dictate." But the said Hastings, for several false and contradictory reasons by him assigned, did not take any advantage of the said opening, attributing the same to artifice, in order to gain time; but instead of accepting the said submissions, he did resolve upon flight from the city of Benares, and did suddenly fly therefrom in great confusion.

XV.

That the said Hastings did persevere in his resolutions not to listen to any submission, or offer

of

of accommodation whatsoever, though several were afterwards made through almost every person, who might be supposed to have influence with him, but did cause the Rajah's troops to be attacked and fallen upon, though they only acted on the defensive, (as the Rajah has without contradiction asserted) and thereby, and by his preceding refusal of propositions of the same nature, and by other his perfidious, unjust, and tyrannical acts by him perpetrated and done, and by his total improvidence in not taking any one rational security whatsoever against the inevitable consequences of those acts, did make himself guilty of all the mutual slaughter and devastation, which ensued, as well as, in his opinion, of the imminent danger of the total subversion of the British power in India, by the risk of his own person, which he asserts that it did run; as also, "that it ought not to be thought that he attributed too much consequence to his personal "safety, when he supposed *the fate of the British "empire in India connected with it*; and that, "mean as its substance may be, its accidental "qualities were equivalent to those, which, like "the characters of a talisman in the Arabian mythology, formed the *essence* of the state itself; "representation, title, and the *estimate* of the "publick opinion. That had he fallen, such a "stroke would be universally considered as decisive of the national fate. Every State round it

"would

"would have started into arms against it; and "*every subject of its own dominion would, according* "*to their several abilities, have become its enemy.*" And that he knew, and has declared, that, though the said stroke was not struck, great convulsions did actually ensue from his proceedings. That "half the province of Oude was in a state of as "complete rebellion as that of Benares;" and that invasions, tumults and insurrections, were occasioned thereby in various other parts.

XVI.

That the said Warren Hastings, after he had collected his forces from all parts, did, with little difficulty or bloodshed, subsequent to that time, on the part of his troops, and in a few days, entirely reduce the said province of Benares; and did, after the said short and little-resisted hostility, in cold blood, issue an order for burning a certain town, in which he accused the people at large of having killed, "upon what provocation he knows not," certain wounded Sepoys, who were prisoners; which order, being *generally* given, when it was his duty to have made some inquiry concerning the particular offenders, but which he did never make, or cause to be made, was cruel, inhuman, and tended to the destruction of the revenues of the Company; and that this, and other acts of devastation, did cause the loss of two months of the collections.

XVII. That

XVII.

That the said Warren Hastings did not only refuse the submissions of the said Rajah, which were frequently repeated through various persons after he had left Benares, and even after the defeat of certain of the Company's forces, but did proscribe and except him from the pardons, which he issued, after he had satisfied his vengeance on the province of Benares.

XVIII.

That the said Warren Hastings did send to a certain castle, called Bidgigur, the residence of a person of high rank, called Pannah, the mother of the Rajah of Benares, with whom his wife, a woman described by the said Hastings "to be of an "amiable character," and all the other women of the Rajah's family, and the survivers of the family of his father Bulwant Sing, did then reside, body of troops to dispossess them of her said residence, and to seize upon her money and effects, although she did not stand, even by himself, accused of any offence whatsoever; pretending, but not proving, and not attempting to prove, *then* nor since, that the treasures therein contained were the property of the Rajah, and not her own; and did, in order to stimulate the British soldiery to rapine and

outrage,

outrage, issue to them several barbarous orders, contrary to the practice of civilized nations, relative to their property, moveable and immovable, attended with unworthy and unbecoming menaces, highly offensive to the manners of the East, and the particular respect there paid to the female sex; which letters and orders, as well as the letters, which he had received from the officers concerned, the said Hastings did unlawfully suppress, until forced by the disputes between him and the said officers to discover the same; and the said orders are as follow:

"I am this instant favoured with yours of "yesterday. Mine of the same date (22d Oc- "tober 1781) has before this time acquainted you "with my resolutions and sentiments respecting "the Rannee (the mother of the Rajah Cheyt "Sing); I think every demand she has made to "you, except that of safety and respect for her "person, is unreasonable. If the reports brought "to me are true, *your rejecting her offers, or any "negotiations with her*, would soon obtain you "possession of the fort upon your own terms. I "apprehend that she will contrive *to defraud the "captors of a considerable part of the booty by being "suffered to retire without examination. But this "is your consideration, and not mine. I should be "very sorry that your officers and soldiers lost "ANY PART of the reward, to which they are*

" *so well entitled;* but I cannot make any ob-
" jection, as you must be the best judge of the
" expediency of the *promised* indulgence to the
" Rannee. What you have engaged for I will
" certainly ratify; but as to permitting the Rannee
" to hold the Purgunnah of Hurluk, or any other
" in the Zemindary, without being subject to the
" authority of the Zemindar, or any lands what-
" ever, *or indeed making any conditions with her*
" *for a provision, I will never consent to it.*" And
in another letter to the same person, dated Benares,
3d of November 1781, in which he the said
Hastings consents that the said woman of distinc-
tion should be allowed to evacuate the place, and
to receive protection, he did express himself as
follows: " I am willing to grant her now the same
" conditions, to which I at first consented; pro-
" vided that she delivers into your possession,
" within twenty-four hours from the time of re-
" ceiving your message, the fort of Bidzigurr, with
" the treasure and effects lodged therein by Cheit
" Sing, or any of his adherents, with the reserve
" only, as above mentioned, of such articles *as you*
" *shall think necessary to her sex and condition,* or
" as you shall be disposed *of yourself to indulge*
" *her with.* If she complies, as I expect she will,
" it will be your part to secure the fort, and the
" property it contains, for *the benefit of yourself*
" *and detachment.* I have only further to request
" that

" that you will grant an escort, if Panna should " require it, to conduct her here, or wherever she " may choose to retire to. But should she re- " fuse to execute the promise she has made, *or* " *delay it beyond the term of* 24 *hours*, it is my " *positive* injunction that you immediately put a " stop to any further intercourse or negotiation " with her, and on no pretext renew it. If she " disappoints, *or trifles* with, me, after I have sub- " jected my *Duan* to the disgrace of returning " ineffectually, and of course myself to discredit, I " shall consider it as a *wanton affront and indig-* " *nity, which I can never forgive*, nor will I grant " her any conditions whatever, but leave her ex- " posed to *those dangers*, which she has chosen to " risk, rather than trust to the clemency and gene- " rosity of our Government. I think *she cannot* " *be ignorant of these consequences, and will* " *not venture to incur them;* and it is for this " reason I place a dependence on her offers, and " have consented to send my Duan to her."

XIX.

That the castle aforesaid being surrendered upon terms of safety, and on express condition of not attempting to search their persons, the woman of rank aforesaid, her female relations and female dependents, to the number of three hundred, besides children, evacuated the said castle; but the

spirit of rapacity being excited by the letters and other proceedings of the said Hastings, the capitulation was shamefully and outrageously broken; and in despite of the endeavours of the commanding officer the said woman of high condition, and her female dependants, friends, and servants, were plundered of the effects they carried with them, and which were reserved to them in the capitulation of their fortress, and in their persons were otherwise rudely and inhumanly dealt with by the licentious followers of the camp; for which outrages, represented to the said Hastings with great concern by the commanding officer, Major Popham, he, the said Hastings, did afterwards recommend a late and fruitless redress.

XX.

That the Governour-General, Warren Hastings, in exciting the hopes of the military by declaring them *well entitled to the plunder* of the fortress aforesaid, the residence of the mother and other women of the Rajah of Benares, and by wishing the troops to secure the same for their own benefit, did advise and act in direct contradiction to the orders of the Court of Directors, and to his own opinion of his publick duty, as well as to the truth and reality thereof; he having some years before entered in writing the declaration which follows.

"The very idea of *Prize-money* suggests to my

"remembrance

"remembrance *the former disorders, which arose* "*in our army from this source, and had almost* "*proved fatal to it.* Of this circumstance you "must be sufficiently apprized, and of the neces- "sity for discouraging every expectation of this "kind amongst the troops—*it is to be avoided like* "*poison.* The bad effects of a similar measure "were but too plainly felt in a former period, and "our honourable masters did not fail on that "occasion to reprobate with their censure, in "the most severe terms, a practice, which they "regarded as the source of infinite evils; and "which, if established, would in their judgment "necessarily bring corruption and ruin on their "army."

XXI.

That the said Hastings, after he had given the license aforesaid, and that in consequence thereof the booty found in the castle, to the amount of 23,27,813 current rupees, was distributed among the soldiers employed in its reduction, the said Hastings did retract his declaration of right, and his permission to the soldiers to appropriate to themselves the plunder, and endeavoured, by various devices and artifices, to explain the same away, and to recover the spoil aforesaid for the use of the Company; and wholly failing in his attempts to resume by a breach of faith with

the soldiers, what he had unlawfully disposed of by a breach of duty to his constituents, he attempted to obtain the same as a loan, in which attempt he also failed; and the aforesaid money being the only part of the treasures belonging to the Rajah, or any of his family, that had been found, he was altogether frustrated in the acquisition of every part of that dishonourable object, which alone he pretended to, and pursued through a long series of acts of injustice, inhumanity, oppression, violence, and bloodshed, at the hazard of his person and reputation, and, in his own opinion, at the risk of the total subversion of the British empire.

XXII.

That the said Warren Hastings, after the commission of the offences aforesaid, being well aware that he should be called to an account for the same, did, by the evil counsel and agency of Sir Elijah Impey, knight, his Majesty's Chief Justice, who was then out of the limits of his jurisdiction, cause to be taken at Benares, before, or by the said Sir Elijah Impey, and through the intervention, not of the Company's interpreter, but of a certain private interpreter of his the said Hastings's own appointment, and a dependant on him, called Major Davy, several declarations and depositions by natives of Hindostan; and did also cause to be taken before the said Sir Elijah Impey several at-

testations in English, made by British subjects, and which were afterwards transmitted to Calcutta, and laid before the Council-General; some of which depositions were upon oath, some upon honour, and others neither upon *oath* nor *honour*, but all or most of which were of an irregular and irrelevant nature, and not fit or decent to be taken by a British magistrate, or to be transmitted to a British Government.

XXIII.

That one of the said attestations (but not on oath) was made by a principal minister of the Nabob of Oude, to whom the said Hastings had some time before proposed to sell the sovereignty of that very territory of Benares; and that one other attestation (not upon oath) was made by a native woman of distinction, whose son he, the said Hastings, did actually promote to the Government of Benares, vacated by the unjust expulsion of the Rajah aforesaid, and who in her deposition did declare, that she considered the expelled Rajah as her enemy; and that he never did confer with her, or suffer her to be acquainted with any of his designs.

XXIV.

That besides the depositions of persons interested in the ruin of the Rajah, others were made

by persons, who then received pensions from him the said Hastings; and several of the affidavits were made by persons of mean condition, and so wholly illiterate as not to be able to write their names.

XXV.

That he, the said Hastings, did also cause to be examined by various proofs and essays, the result of which was delivered in upon honour, the quality of certain military stores taken by the British troops from the said Rajah of Benares; and upon the report that the same were of a good quality, and executed by persons conversant in the making of good military stores, although the cannon was stated by the same authority to be bad, he, the said Warren Hastings, from the report aforesaid, did maliciously, and contrary to the principles of natural and legal reason, infer that the insurrection, which had been raised by his own violence and oppression, and rendered for a time successful by his own improvidence, was the consequence of a premeditated design to overturn the British empire in India, and to exterminate therefrom the British nation; which design, if it had been true, the said Hastings might have known, or rationally conjectured, and ought to have provided against. And if the said Hastings had received any credible information

information of such design, it was his duty to lay the same before the Council Board, and to state the same to the Rajah when he was in a condition to have given an answer thereto, or to observe thereon; and not, after he had proscribed and driven him from his dominions, to have inquired into offences to justify the previous infliction of punishment.

XXVI.

That it does not appear that in taking the said depositions there was any person present on the part of the Rajah to object to the competence, or credibility, or relevancy of any of the said affidavits, or other attestations, or to account, otherwise than as the said deponents did account, for any of the facts therein stated; nor were any copies thereof sent to the said Rajah, although the Company had a minister at the place of his residence, namely, in the camp of the Mahratta chief Scindia, so as to enable him to transmit to the Company any matters, which might induce or enable them to do justice to the injured prince aforesaid. And it does not appear that the said Hastings has ever produced any witness, letter, or other document, tending to prove that the said Rajah ever did carry on any hostile negotiation whatever with any of those powers, with whom he was charged with a conspiracy against the Company, previous to the

period

period of the said Hastings's having arrested him in his palace, although he the said Hastings had various agents at the Courts of all those princes; and that a late principal agent and near relation of a minister of one of them, the Rajah of Berar, called Benaram Pundit, was, at the time of the tumult at Benares, actually with the said Hastings, and the said Benaram Pundit was by him highly applauded for his zeal and fidelity, and was therefore by him rewarded with a large pension on those very revenues, which he had taken from the Rajah Cheyt Sing: and if such a conspiracy had previously existed, the Mahratta minister aforesaid must have known, and would have attested, it.

XXVII.

That it appears that the said Warren Hastings, at the time that he formed his design of seizing upon the treasures of the Rajah of Benares, and of deposing him, did not believe him guilty of that premeditated project for driving the English out of India, with which he afterwards thought fit to charge him, or that he was really guilty of any other great offence; because he has caused it to be deposed, that if the said Rajah should pay the sum of money by him exacted, "he would settle his "Zemindary upon him on the most eligible foot-"ing." Whereas if he had conceived him to have entertained traiterous designs against the Com-

pany,

party, from whom he held his tributary estate, or had been otherwise guilty of such enormous offences as to make it necessary to take extraordinary methods for coercing him, it would not have been proper for him to settle upon such a traitor and criminal the Zemindary of Benares, or any other territory, upon the most eligible, or upon any other, footing whatever; whereby the said Hastings has by his own stating demonstrated, that the money intended to have been exacted was not as a punishment for crimes, but that the crimes were pretended for the purpose of exacting money.

XXVIII.

That the said Warren Hastings, in order to justify the acts of violence aforesaid to the Court of Directors, did assert certain false facts, known by him to be such, and did draw from them certain false and dangerous inferences, utterly subversive of the rights of the princes and subjects dependent on the British nation in India, contrary to the principles of all just government, and highly dishonourable to that of Great Britain; namely, that the "Rajah of Benares was not a vassal or tributary prince; and that the deeds, which passed "between him and the Board upon the transfer "of the Zemindary in 1775, were not to be understood to bear the quality and force of a treaty

"upon

" upon optional conditions between equal states;
" that the payments to be made by him were not
" a tribute, but a rent; and that the instruments, by
" which his territories were conveyed to him, did
" not differ from common grants to Zemindars,
" who were merely subjects; but that being no-
" thing more than a common Zemindar, and mere
" subject, the Company, holding the acknow-
" ledged rights of his former sovereign, held an
" absolute authority over him; that in the known
" relations of Zemindar to the sovereign authority,
" or power delegated by it, he owed a personal
" allegiance, and an implicit and unreserved obe-
" dience to that authority, at the forfeiture of his
" Zemindary, and even of his life and property."
Whereas the said Hastings did well know, that whether the payments from the Rajah were called *rent* or *tribute*, having been frequently by himself called the one and the other, and that of whatever nature the instruments, by which he held, might have been, he did not consider him as a common Zemindar or Landholder, but as far independent as a tributary prince could be; for he did assign as a reason for receiving his rent rather within the Company's province than in his own capital, that it would not " frustrate the intention of ren-
" dering the Rajah *independent*; that if a Resident
" was appointed to receive the money as it be-
" came due at Benares, such a Resident would

" unavoidably

"unavoidably acquire an influence over the Rajah, "and over his country, which would in effect "render him the master of both; that this con-"sequence might not perhaps be brought com-"pletely to pass without a struggle, and many "appeals to the Council, which, in a government "constituted like this, cannot fail to terminate "against the Rajah, and by the construction, to "which this opposition to the agent would be "liable, might eventually draw on him severe re-"strictions, and end *in reducing him to the mean "and depraved state of a Zemindar.*"

XXIX.

"And the said Hastings, in the said Minute of Consultation, having enumerated the frauds, em-bezzlements and oppressions, which would ensue from the Rajah's being in the dependent state aforesaid; and having obviated all apprehensions from giving to him the implied symbols of domi-nion, did assert, "that, without such appearance, "he would expect from every change of govern-"ment additional demands to be made upon him; "and would of course descend to all the arts of "intrigue and concealment practised by other de-"pendent Rajahs, which would keep him indigent "and weak, and eventually prove hurtful to the "Company. But that by proper encouragement "and protection, he might prove a profitable de-

"pendant,

" pendant, an useful barrier, and even a powerful " ally to the Company; but that he would be nei- " ther, if the conditions of his connexion with the " Company were left open to future variations."

XXX.

That if the fact had been true, that the Rajah of Benares was merely an eminent landholder, or any other subject, the wicked and dangerous doctrine aforesaid, namely, that he owed a personal allegiance, and an implicit and unreserved obedience to the sovereign authority, at the forfeiture of his Zemindary, and even of his life and property, at the discretion of those, who held, or fully represented, the sovereign authority, doth leave security neither for life nor property to any persons residing under the Company's protection; and that no such powers, nor any powers of that nature, had been delegated to the said Warren Hastings by any provisions of the Act of Parliament appointing a Governour-General and Council at Fort William in Bengal.

XXXI.

That the said Warren Hastings did at last advance another dangerous and pernicious principle, in justification of his violent, arbitrary, and iniquitous acting aforesaid; namely, " that if he had " acted with an unwarrantable rigour, and even

" injustice,

" injustice, towards Cheyt Sing, yet, first, if he " did *believe* that extraordinary means were ne- " cessary, and those exerted with a strong hand, " to preserve the Company's interests from sink- " ing under the accumulated weight, that oppressed " them; or, secondly, if he saw a *political neces-* " *sity* for curbing the *overgrown* power of a great " member of their dominion, and to make it con- " tribute to the relief of their pressing exigencies; " that his errour would be excusable, as prompted " by an excess of zeal for their (the Company's) " interest, operating with too strong a bias on his " judgment; but that much stronger is the pre- " sumption that such acts are founded on just " principles, than that they are the result of a " misguided judgment." That the said doctrines are, in both the members thereof, subversive of all the principles of just government, by empowering a governour with delegated authority in the first case, on his own private *belief* concerning the necessities of the state, not to levy an impartial and equal rate of taxation suitable to the circumstances of the several members of the community, but to select any individual from the same as an object of arbitrary and unmeasured imposition; and, in the second case, enabling the same governour, on the same arbitrary principles, to determine whose property should be considered as overgrown, and to reduce the same at his pleasure.

PART

PART IV.

Second Revolution in Benares.

THAT the said Warren Hastings, after he had, in the manner aforesaid, unjustly and violently expelled the Rajah Cheyt Sing, the Lord or Zemindar of Benares, from his said Lordship or Zemindary, did, of his own mere usurped authority, and without any communication with the other members of the Council of Calcutta, appoint another person, of the name of Mehip Narrain, a descendant by the mother from the late Rajah Bulwant Sing, to the Government of Benares; and, on account or pretence of his youth or inexperience (the said Mehip Narrain not being above twenty years old) did appoint his father Durbege Sing to act as his representative or administrator of affairs; but did give a controlling authority to the British Resident over both, notwithstanding his declarations before mentioned of the mischiefs likely to happen to the said country from the establishment of a Resident, and his opinions since declared, in a letter to the Court of Directors, dated from this very place (Benares), the 1st of October 1784, to the same or stronger effect, in case "agents are sent into the country, "and armed with authority for the purposes of

"vengeance

" vengeance and corruption, *for to no other will* " *they be applied.*"

That the said Warren Hastings did, by the same usurped authority, entirely set aside all the agreements made between the late Rajah and the Company (which were real agreements with the State of Benares, in the person of the lord or prince thereof, and his heirs); and without any form of trial, inquisition, or other legal process, for forfeiture of the privileges of the people to be governed by magistrates of their own, and according to their natural laws, customs, and usages, did, contrary to the said agreement, separate the mint and the criminal justice from the said Government, and did vest the mint in the British Resident, and the criminal justice in a Mahomedan native of his own appointment; and did enhance the tribute to be paid from the province, from £. 250,000 annually, limited by treaty, or thereabouts, to three hundred and thirty thousand pounds for the first year, and to four hundred thousand for every year after; and did compel the administrator aforesaid (father to the Rajah) to agree to the same; and did, by the same usurped authority, illegally impose, and cause to be levied, sundry injudicious and oppressive duties on goods and merchandise, which did greatly impair the trade of the province, and threaten the utter ruin thereof;

thereof; and did charge several pensions on the said revenues, of his own mere authority; and did send and keep up various bodies of the Company's troops in the said country; and did perform sundry other acts, with regard to the said territory, in total subversion of the rights of the sovereign and the people, and in violation of the treaties and agreements aforesaid.

That the said Warren Hastings being absent, on account of ill health, from the Presidency of Calcutta, at a place called Nia Serai, about forty miles distant therefrom, did carry on a secret correspondence with the Resident at Benares, and, under colour that the instalments for the new rent or tribute were in arrear, did, of his own authority, make, in about one year, a second revolution in the Government of the territory aforesaid; and did order and direct that Durbege Sing aforesaid, father of the Rajah, and administrator of his authority, should be deprived of his office and of his lands, and thrown into prison; and did threaten him with death, although he, the said Warren Hastings, had, at the time of the making his new arrangement, declared himself sensible that the rent aforesaid might require abatement; although he was well apprized that the administrator had been for two months of his administration in a weak and languid state of body, and wholly incapable of attending to the business of the collections;

tions; though a considerable drought had prevailed in the said province, and did consequently affect the regularity and produce of the collections; and though he had other sufficient reason to believe that the said administrator had not himself received from the collectors of government, and the cultivators of the soil, the rent in arrear; yet he, the said Warren Hastings, without any known process, or recording any answer, defence, plea, exculpation, or apology from the party, or recording any other grounds of rigour against him, except the following paragraph of a letter from the Resident, not only gave the order as aforesaid, but did afterwards, without laying any other or better ground before the Council-General, persuade them to, and did procure from them, a confirmation of the aforesaid cruel and illegal proceedings, the correspondence concerning which had not been before communicated; he pleading his illness for not communicating the same, though that illness did not prevent him from carrying on correspondence concerning the deposition of the said administrator, and other important affairs in various places.

That in the letter to the Council, requiring the confirmation of his acts aforesaid, the said Warren Hastings did not only propose the confinement of the said administrator at Benares, although by his imprisonment he must have been in a great measure

disabled from recovering the balances due to him, and for the non-payment of which he was thus imprisoned, but did propose, as an alternative, his imprisonment at a remote fortress, out of the said territory, and in the Company's provinces, called Chunar; desiring them to direct the Resident at Benares "to exact from Baboo Dubbitzee Sing "every rupee of the collections, which it shall ap- "pear that he has made, and not brought to ac- "count; and either to confine him at Benares, or "to send him a prisoner to Chunar, and to keep "him in confinement until he shall have dis- "charged the whole of the amount due from him." And the said Warren Hastings did assign motives of passion and personal resentment for the said unjust and rigorous proceedings, as follows: "'I "feel myself, and may be allowed on such an "occasion to acknowledge it, personally hurt at "the ingratitude of this man, and at the discredit, "which his ill conduct has thrown on my appoint- "ment of him. He has deceived me; he has "offended against the government, which I then "represented." And, as a further reason for depriving him of his Jaghire (or salary out of land) he did insinuate in the said letter, but without giving or offering any proof, "that the said Rajah "had been guilty of *little and mean peculations*, "although the appointments assigned to him had

"been

" been sufficient to free him from the temptations " thereto."

That it appears, as it might naturally have been expected, that the wife of the said administrator, the daughter of Bulwant Sing, the late Rajah of Benares, and her son the reigning Rajah, did oppose, to the best of their power, but by what remonstrances, or upon what plea, the said Warren Hastings did never inform the Court of Directors, the deposition, imprisonment, and confiscation of the estates of the husband of the one, and the father of the other; but that the said Hastings, persisting in his malice, did declare to the said Council as follows: " the opposition made by the " Rajah and the old Rannee, both equally incapa- " ble of judging for *themselves*, does certainly ori- " ginate from some secret influence, which ought " to be checked by a decided and peremptory " declaration of the authority of the Board, and " a denunciation of their displeasure at *their pre-* " *sumption*."

That the said Warren Hastings, not satisfied with the injuries done, and the insults and disgraces offered to the family aforesaid, did in a manner unparalleled, except by an act of his own on another occasion, fraudulently and inhumanly endeavour to make the wife and son of the said administrator, contrary to the sentiments and the law of nature, the instruments of his oppressions;

directing, "that if they (the mother and son aforesaid) could be *induced* to yield the *appearance of a cheerful acquiescence* in the new arrangements, and to adopt it as a *measure formed with their participation*, it would be better than that it should be done by a declared act of compulsion; but that at all events it ought to be done."

That, in consequence of the pressing declarations aforesaid, the said Warren Hastings did on his special recommendation appoint, in opposition to the wishes and desires of the Rajah and his mother, another person to the administration of his affairs, called Jagher Deo Seo.

That the Company having sent express orders for the sending the Resident by them before appointed to Benares, the said Warren Hastings did strongly oppose himself to the same; and did throw upon the person appointed by the Company (Francis Fowke, Esquire) several strong, but unspecified, reflections and aspersions, contrary to the duty he owed to the Company, and to the justice he owed to all its servants.

That the said Resident being appointed by the votes of the rest of the Council, in obedience to the reiterated orders of the Company, and in despite of the opposition of the said Hastings, did proceed to Benares; and, on the representation of the parties, and the submission of the accounts of the aforesaid Durbitzee Sing to an arbitrator, did find

him, the said Durbitzee Sing, in debt to the Company for a sum, not considerable enough to justify the severe treatment of the said Durbitzee Sing; his wife and son complaining, at or about the same time, that the balances due to him from the Aumils, or sub-collectors, had been received by the new administrator, and carried to his own credit, in prejudice and wrong to the said Durbitzee Sing; which representation, the only one, that has been transmitted on the part of the said sufferers, has not been contradicted.

That it appears that the said Durbitzee Sing did afterwards go to Calcutta for the redress of his grievances; and that it does not appear that the same were redressed, or even his complaints heard, but he received two peremptory orders from the Supreme Council to leave the said city, and to return to Benares; that on his return to Benares, and being there met by Warren Hastings aforesaid, he, the said Warren Hastings, although he had reason to be well assured that the said Durbitzee Sing was in possession of small or no substance, did again cruelly and inhumanly, and without any legal authority, order the said Durbitzee Sing to be strictly imprisoned; and the said Durbitzee Sing, in consequence of the vexations, hardships and oppressions aforesaid, died in a short time after insolvent; but whether in prison or not, does not appear.

PART V.

Third Revolution in Benares.

THAT the said Warren Hastings having, in the manner before recited, divested Durbege Sing of the administration of the province of Benares, did, of his own arbitrary will and pleasure, and against the remonstrances of the Rajah and his mother, (in whose name, and in whose right the said Durbege Sing, father of the one and husband of the other, had administered the affairs of the government) appoint a person, called Jagher Deo Sheo, to administer the same.

That the new administrator, warned by the severe example made of his predecessor, is represented by the said Warren Hastings as having made it his "avowed principle (as it might be "expected it should be) that the sum fixed for the "revenue *must* be collected." And he did, upon the principle aforesaid, and by the means suggested by a principle of that sort, accordingly levy from the country, and did regularly discharge to the British Resident at Benares, by monthly payments, the sums imposed by the said Warren Hastings, as it is asserted by the Resident Fowke; but the said Warren Hastings did assert, that his annual

collections

collections did not amount to more than lack 37,37,600, or thereabouts, which he says is much short of the revenues of the province, and is about twenty-four thousand pounds short of his agreement.

That it further appears, that notwithstanding the new administrator aforesaid was appointed two months, or thereabouts, after the beginning of the Fuseli year, that is to say, about the middle of November 1782, and the former administrator had collected a certain portion of the revenues of that year, amounting to £. 17,000 and upwards; yet he, the said new administrator, upon the unjust and destructive principle aforesaid, suggested by the cruel and violent proceedings of the said Warren Hastings towards his predecessor, did levy on the province, within the said year, the whole amount of the revenues to be collected, in addition to the sum collected by his predecessor aforesaid.

That, on account of a great drought, which prevailed in the province aforesaid, a remission of certain duties in grain was proposed by the chief Criminal Judge at Benares; but the administrator aforesaid, being fearful that the revenue would fall short in his hands, did strenuously oppose himself to the necessary relief to the inhabitants of the said city.

That notwithstanding the cantonment of several bodies of the Company's troops within the province,

since

since the abolition of the native government, it became subject in a particular manner to the Rajahs upon the borders; insomuch that in one quarter no fewer than thirty villages had been sacked and burned, and the inhabitants reduced to the most extreme distress.

That the Resident, in his letter to the Board at Calcutta, did represent that the collection of the revenue was become very difficult; and, besides the extreme drought, did assign for a cause of that difficulty the following:

"That there is also one fund, which in former "years was applied in this country to remedy "temporary inconveniencies in the revenue, and "which in the present year does not exist. This "was the private fortunes of merchants and Shroffs "(bankers) resident in Benares, from whom Au- "mils (collectors) of credit could obtain temporary "loans, to satisfy the immediate calls of the "Rajah. These sums, which used to circulate "between the Aumil and the merchant, have "been turned into a different channel, by bills of "exchange to defray the expenses of Government "both on the west coast of India, and also at "Madras." To which representation it does not appear that any answer was given, or that any mode of redress was adopted in consequence thereof.

That the said Warren Hastings, having passed through

through the province of Benares (Gauzipore) in his progress towards Oude, did, in a letter dated from the city of Lucknow, the 2d of April 1784, give to the Council Board at Calcutta an account (highly dishonourable to the British Government) of the effect of the arrangements made by himself in the years 1781 and 1782, in the words following: "Having contrived, by making forced stages, while "the troops of my escort marched at the ordinary "rate, to make a stay of five days at Benares, I "was thereby furnished with the means of acquir-"ing some knowledge of the state of the province, "which I am anxious to communicate to you. "Indeed the inquiry, which was in *a great degree* "*obtruded upon me*, affected me with very morti-"fying reflections on my inability to apply it to "any useful purpose. From the confines of Buxar "to Benares I was followed and *fatigued* by the "clamours of the discontented inhabitants. It "was what I expected in a degree, because it is "rare that the exercise of authority shall prove "satisfactory to all, who are the objects of it. "The distresses, which were produced by the "long continued drought, unavoidably tended to "heighten the general discontent; *yet I have* "*reason to fear that the cause existed principally* "*in a defective, if not a corrupt and oppressive,* "*administration.*" "Of a multitude of petitions, which

" which were presented to me, and of which I " took minutes, every one, that did not relate to a " personal grievance, contained the representation " of one and the same species of oppression, which " is in its nature of an influence most fatal to the " future cultivation. The practice, to which I " allude, is this: it is affirmed that the Aumils and " renters exact from the proprietors of the actual " harvest a large increase in kind on their stipu- " lated rent; that is, from those, who hold their " Potta by the tenure of paying *one half* of the " produce of their crops, either *the whole*, without " subterfuge, or a *large* proportion of it by a *false* " *measurement*, or other pretexts; and from those, " whose engagements are for a fixed rent *in money*, " the half, or a greater proportion, is taken *in kind*. " This is in effect a tax upon the industry of the " inhabitants; since there is scarce a field of grain " in the province, *I might say not one*, which has " not been preserved by the incessant labour of " the cultivator, by digging wells for their supply, " or watering them from the wells of masonry, " with which their country abounds, or from the " neighbouring tanks, rivers, and Nullahs. The " people, who imposed on themselves this volun- " tary and extraordinary labour, and not unat- " tended with expense, did it on the expectation " of reaping the profits of it; and it is certain they " would not have done it, if they had known that

" their

" their rulers, *from whom they were entitled to an* " *indemnification,* would take from them what they " so hardly earned. If the same administration " continues, and the country shall again labour " under want of rain, *every field will be abandoned,* " *the revenue fail, and thousands perish through* " *want of subsistence;* for who will labour for the " *sole* benefit of others, and to make himself the " subject of exaction? These practices are to be " imputed to the Naib himself [the administrator " forced by the said Warren Hastings on the " present Rajah of Benares]. The avowed prin- " ciple, on which he acts, and which he acknow- " ledged to myself, is, that the *whole* sum fixed for " the revenue of the province *must* be collected; " and that, for this purpose, the deficiency arising " in places where the crops have failed, or which " have been left uncultivated, must be supplied " from the resources of others, where the soil has " been better suited to the season, or the industry " of the cultivators hath been more successfully " exerted: a principle, which, however specious " and plausible it may at first appear, *certainly* " *tends to the most pernicious and destructive con-* " *sequences.* If this declaration of the Naib had " been made only to myself, I might have doubted " my construction of it; but it was repeated by " him to Mr. Anderson, who understood it exactly " in the same sense. In the management of the

" customs,

" customs the conduct of the Naib, or of the
" officer under him, was forced also upon my at-
" tention. *The exorbitant rates exacted by an ar-*
" *bitrary valuation of the goods*; the practice of
" exacting duties *twice* on the same goods, first
" from the seller, and afterwards from the buyer;
" and the vexations, disputes and delays, drawn
" on the merchants by these oppressions, were
" loudly complained of: and some instances of
" this kind were said to exist at the very time I
" was at Benares. Under such circumstances we
" are not to wonder if the merchants of foreign
" countries are discouraged from resorting to
" Benares, and if the commerce of that province
" should annually decay. *Other* evils, or imputed
" evils, have accidentally come to my knowledge;
" which I will not now particularize; as I hope
" that, with the assistance of the Resident, they
" may be *in part* corrected. One evil I must
" mention, because it has been verified by my own
" observation, and is of that kind, which reflects
" an unmerited reproach on our general and na-
" tional character. When I was at Buxar, the
" Resident, at my desire, enjoined the Naib to
" appoint creditable people to every town, through
" which our route lay, to persuade and encourage
" the inhabitants to remain in their houses, pro-
" mising to give them guards as I approached, and
" they required it for their protection; and that

" he

"he might perceive how earnest I was for his "observation of this precaution, I repeated it to "him in person, and dismissed him, that he might "precede me for that purpose. But, to my great "disappointment, *I found every place, through "which I passed, abandoned; nor had there been a "man left in any of them for their protection.* I "am sorry to add, *that, from Buxar to the op-"posite boundary, I have seen nothing but traces "of complete devastation in every village; whether "caused by the followers of the troops, which have "lately passed, for their natural relief, and I know "not whether my own may not have had their "share,* or from the apprehensions of the inha-"bitants left to themselves, and of themselves de-"serting their houses. I wish to acquit my own "countrymen of the blame of these unfavourable "appearances, and in my own heart I do acquit "them; for at one encampment a crowd of people "came to me, complaining that *their new Aumil, "(collector) on the approach of any military de-"tachment, himself first fled from the place; and "the inhabitants, having no one, to whom they could "apply for redress, or for the representation of "their grievances, and being thus remediless, fled "also; so that their houses and effects became a "prey to any person, who chose to plunder them.* "The general conclusion appeared to me an in-"evitable consequence from such a state of facts;

"and

" and my own senses bore testimony to it in this " specifick instance: nor do I know how it is " possible for any officer commanding a military " party, how attentive soever he may be to the " discipline and forbearance of his people, to pre- " vent disorders *when there is neither opposition to* " *hinder, nor evidence to detect them.* These, and " many other, irregularities I impute *solely* to the " Naib, and recommend his instant removal.

" I cannot help remarking, that, except the " city of Benares, *the province is in effect without* " *a government. The administration of the province* " *is misconducted, and the people oppressed, trade* " *discouraged, and the Revenue in danger of a* " *rapid decline from the violent appropriation of its* " *means.*"

That the said Warren Hastings did recommend to the Council, for a remedy of the disorders and calamities, which had arisen from his own acts, dispositions, and appointments, that the administrator aforesaid should be instantly removed from his office; attributing the aforesaid " irregularities, " *and many others, solely* to him;" although on his own representation it does appear that he was the sole cause of the irregularities therein described: neither does it appear that the administrator, so by the said Hastings nominated and removed, was properly charged and called to answer for the said recited irregularities, or for the *many others* not

recited,

recited, but *attributed solely* to him; nor has any plea or excuse from him been transmitted to the Board, or to the Court of Directors; but he was, at the instance of the said Hastings, deprived of his said office, contrary to the principles of natural justice, in a violent and arbitrary manner; which proceeding, combined with the example made of his predecessor, must necessarily leave to the person, who should succeed to the said office, no distinct principle, upon which he might act with safety. But in comparing the consequences of the two delinquencies charged, the failure of the payment of the Revenues (from whatever cause it may arise) is more likely to be avoided than any severe course towards the inhabitants; as the former fault was, besides the deprivation of office, attended with two imprisonments, with a menace of death, and an actual death, in disgrace, poverty, and insolvency; whereas the latter, namely, the oppression, and thereby the total ruin, of the country, charged on the second administrator, was only followed by loss of office; although he, the said Warren Hastings, did further assert (but with what truth does not appear) that the collection of the last administrator had fallen much short of the revenue of the province.

That the said Warren Hastings himself was sensible that the frequent changes by him made would much disorder the management of the

Revenues, and seemed desirous of concealing his intentions concerning the last change until the time of its execution. Yet it appears by a letter from the British Resident, dated the 23d of June 1784, "that a very strong report prevailed at "Benares of his (the said Hastings's) intentions of "appointing a new Naib for the approaching year; "and that the effect is evident, which the preva-"lence of such an idea amongst the Aumils would "probably have on the cultivation at this parti-"cular time. The heavy Mofussil Kists (harvest "instalments) have now been collected by the "Aumils; the season of tillage is arrived; the "Ryots (country farmers) must be indulged, and "even assisted by advances; and the Aumil must "look for his returns in the abundance of the "crop, the *consequence of this early attention to the "cultivation.* The effect is evident, *which the "report of a change in the first officer of the re-"venue must have on the minds of the Aumils, by "leaving them at an uncertainty of what they "have in future to expect;* and, in proportion to "the degree of this uncertainty, their efforts and "expenses in promoting the cultivation will be "languid and sparing.

"In compliance with the Naib's request I have "written to all the Aumils, encouraging and order-"ing them to attend to the cultivation of their "respective districts. But I conceive I should be

"able to promote this very desirable intention "much more effectually, if you will honour me "with the communication of your intentions on "this subject. At the same time I cannot help "just remarking, that, if a change is intended, the "sooner it takes place, the more *the bad effects* "I have described will be obviated."

That the Council, having received the proposition for the removal of the administrator aforesaid, did also in a letter to him (the said Hastings) condemn the frequent changes by him made in the administration of the collections of Benares; but did consent to such alterations as might be made without encroaching on the rights established by his (the said Hastings's) agreement in the year 1781, and did desire him to transmit to them his plan for a new administration.

That the said Hastings did transmit a plan, which, notwithstanding the evils, which had happened from the former frequent changes, he did propose *as a temporary expedient* for the administration of the revenues of the said province; in which no provision was made for the reduction or remission of revenue, as exigencies might require; or for the extraction of the circulating species from the said province; or for the supply of the necessary advances for cultivation; nor for the removal or prevention of any of the grievances by him before complained of, other than an inspection by

the Resident and the chief criminal magistrate of Benares, and other regulations equally void of effect and authority; and which plan Mr. Stables, one of the Supreme Council, did altogether reject; but the same was approved of, *as a temporary expedient*, with some exceptions, by two other members of the Board, Mr. Wheler and Mr. Macpherson, declaring the *said Warren Hastings responsible for the temporary expediency of the same.*

That the said Warren Hastings, in the plan aforesaid, having strongly objected to the appointment of any European collectors, that is to say, of any European servants of the Company being concerned in the same, declared that there had been sufficient experience of the ill effects of their being so employed in the province of Bengal; by which the said Hastings did either in loose and general terms convey a false imputation upon the conduct of the Company's servants employed in the collection of the revenues of Bengal, or he was guilty of a criminal neglect of duty, in not bringing to punishment the particular persons, whose evil practices had given rise to such a general imputation on British subjects and servants of the Company, as to render them unfit for service in other places.

That the said Warren Hastings having, in the course of three years, made three complete revolutions in the State of Benares, by expelling, in the

the first instance, the lawful and rightful Governour of the same, under whose care and superintendence a large and certain Revenue, suitable to the abilities of the country, and consistent with its prosperity, was paid with the greatest punctuality; and by afterwards displacing two effective governours or administrators of the province, appointed in succession by himself; and, in consequence of the said appointments, and violent and arbitrary removals, the said province " being left in effect " without a Government," except in one city only; and having, after all, settled no more than a temporary arrangement; is guilty of an high crime and misdemeanor in the destruction of the country aforesaid.

END OF THE ELEVENTH VOLUME.

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